

APPENDIX H - TRANSCRIPTS OF PUBLIC COMMENTS

The Department of Land and Natural Resources contracted with Accessibility Planning & Consulting, Inc. (AP&C Inc.) an accessibility consulting firm whose staff includes persons with disabilities. AP&C Inc. also works closely with individuals and organizations representing persons with disabilities. The following organizations, businesses and individuals provided comments on the Self Evaluation at public meetings held on November 13, 2002 at Hale Hauwai in Kona from 3:00-5:00 p.m.; November 14, 2002 at the Hilo State Office Building from 3:00-5:00 p.m.; November 18, 2002 at Kalana Pukui in Wailuku, Maui from 3:00-5:00 p.m.; November 20, 2002 at the Lihue Civic Center on Kauai from 4:00-6:00 p.m.; November 21, 2002 at the Ala Wai Clubhouse on Oahu from 11:00 a.m.-1:00 p.m.; and November 21, 2002 at the DLNR Boardroom on Oahu from 5:00-6:30 p.m.

A public meeting was held on Wednesday, November 13, 2002 at Hale Hauwai in Kona from 3:00-5:00 p.m. Those in attendance included Clyde Hosokawa DLNR ADA Coordinator, Glenn Taguchi, Eric Hirano and Norman Shiroma, DLNR, Bob Askew and Kathryn Mendez, Accessibility Planning & Consulting, Inc. Participants from the community included: Merle Martin, Dan Lantermand, John Hartman, Larry Scaddem and Chuck Fleming, Consumers. No other person representing business or consumers was present. The following comments are from this meeting.

Clyde: In fact we can sit around the table if you want it that way, I'm friendly don't be intimidated. John has been fighting me since Hapuna, when I build the handicapped parking down below, he attacked me again at Kealahou we have been fighting off and on for a long time. He didn't know that they made me ADA Coordinator so that I could fight him full time. I gave them an ultimatum, in a sense, we are getting so far long in this ADA process and transition plan revisions. That I had to name somebody in the document to be the point of contact. What has happened is that, John will tell you, in 1990, we did the two way airport 45, I guess, the ADA and the whole thing with the American's with Disabilities Act. The state looked at it as an unfounded mandate and I guess the County's on Kauai did also so we can of drag our feet because we really didn't get adequate funding, training or anything to pursue this effort in making all these facilities accessible. So, I guess when the time limit went around in 1997 after six years. John filed a petition to the court and said the DLNR was delinquent and DLNR still drag its feet and in 1999 decided to go through a series of then public meetings, they went through a small little document of December 1999, that just basically went through the services provided by the various agencies in DLNR and they went though, they referenced a document that he has in his car that is probably half this table in width of all of the supposedly facilities that were under DLNR's jurisdiction that apply, public facilities that is. And, low and behold even with that, we went nowhere. Whatever fault may be. I usually a developer. I've been a developer of state park facilities for 29 years and 9 months. And, when I finally became aware that we had to try to implement some of the Unintelligible or some of the projects so identified in the original transition plan documents by the resource surveys. If the state did not look at it further it basically would have committed that state to make the DLNR to make all of its facilities handicapped accessible. And we says, after looking at where DLNR has its facilities on the top of the mountain to the middle of the ocean, that's not to realistic. We would have to look more at a program accessibility instead of a total facility under the transition plan. Full knowledge that the state to the governor's action and through

other actions with DCAB that any expenditure of State funds that they would have to consider the needs of the handicapped. That means eventually the facilities in the State would catch up with themselves and you have your accessibility. We look at it in terms as program because, Norman here, Shiroma, who has been with me for the last dozen years at State Parks and who's a budget man and everything says that after watching television on Olelo and watching the Department of Education go through its pains with their handling of similar issue that we didn't want to be in the limelight and spend moneys to make everything new at this time. In fact that it's interesting to know that I guess when Bruce Clark, handicap accessibility looked at this I know that it was something like 7.5 million, staff looked at it it grew over 34 millions dollars and it kept growing. Every time they looked at this list trying to make the DLNR facilities accessible it kept added new buildings. And we says, I don't think that was the intent. Norman brought to my mind he says, I think if we pursue a case like that we would have a backlash from the handicapped community, excuse me, as well as the rest of the community in general. So, we reassessed ourselves, and said, ok, we'll pick it up, and made a team basically, a year ago, not quite a year ago, in fact December, middle of December will be one year that we will be involved with handicapped issues only. Unintelligible. And other special projects. In mid December they finally decided that, to talents that I guess I had and he had in budgeting as wells as developing projects that this was high enough priority that they are going to provide me the resources to make the DLNR facilities accessible within the time frame established by the consent decree which is by the early 2005. Is it John? All of a sudden we started working the numbers backwards. And, we started panicking. We're saying that we had to get this transition plan redone to a, which it would doable by DLNR. And we have the funds we had a million dollars originally which expended in planning and design. And we would have a 10 million dollars currently for the design and construction effort so we reassessed the situation to see if we could be doable within 10 million dollars and after we were looking at the numbers and everything and the recent projections it was doable. Then of course government being government, and we had 10 million dollars in our pocket, said that maybe you should pay for your own services. Where as before our salaries were paid by other agencies by parks or by. Unintelligible. The staff and fees were put into the ADA program which was I guess was just before since it is totally for the ADA program. And when we started hitting the consultants, we have 16 of them right now that we are renegotiating and out of the 16 which were started in August we only have picked up firm agreements with three of them and we are still negotiating with the rest. But, we are finding that even with our estimates it is difficult thing for the engineering and design community to really get a handle of. We've had training in Honolulu for Consultant's we have given them handouts we've given them every opportunity to try to reduce the cost for the State's design efforts. And, we are still finding that this thing is running 15% high of course that means that our 10 million dollars if you are looking into the future we may have to ask for another 1 1/2-2 million to complete everything originally identified on 109 sites which we have increased to 122 different sites. After going through all of the DLNR's managers we found out that they didn't know anything about ADA or accessibility issues and they did not identify the programs that were offered to the public. In fact this is an interesting thing, DLNR managers the word program is a different connotation then what you may be use to. DLNR programs to a DLNR manager means what you charge your accounts to, its forestry, its parks or whatever. What we learn that programs to the ADA was hiking, camping, fishing. You know whatever amenity or activities you interface with the public, which is. So when we are talking to one group of people we are talking a different semantics completely. And it's the semantics that it is very difficult to breech, very difficult. Let alone the logics they would have to expend 20% or more of their budget when they think of anything to put into the ground. To basically consider the needs of the handicapped. And, that's where John and I, other people, in government, you know we have to repoir with the handicapped community. It's not that we are against a lot of these things it's this miscommunication, semantic issues. We have

come along way, you got understand that within the last nine months. In basically we relooked at what DLNR had to offer so out of, I don't know about 24 volumes we condensed to the 4 volumes that you have back there which is to specific things that we are telling the consultants to look for or do in each one of these 109 sites that were previously identified plus the ones that they are currently surveying you know that were existent as of 1999. And why I say existent as of 1999 is that's when the first surveys were done and we decided to freeze a window otherwise we have this thing that it continually evolves so we have to stop and freeze at a time frame. And we froze it at 1999 for whatever, I guess its my choice based on the best advice given to me by my staff. Which means that everything that supposedly happened subsequently needs to be handled through the routine capital improvement or the processes that are in existence by law. You know that you complain that you have 90 days or whatever on those new projects that were not in existence at the time. And that's where it brings us to. When we looked at the original document, and I am not use to seeing ADA documents too, I'm sorry and the first time we looked at Braille and large print and other media. In fact I am not very computer literate myself. But, anyway this document is hard to understand and I can understand that one of the major items I need to do is communicate. So, as much as we have reformatted this document to resemble an environmental impact statement. And we put enough information that you really didn't have to go to other reference sources to understand what we're doing. And, you know with this basis I was hoping that we can then work it out and try to get it to the conclusion. At this stage, I am discussing it with the group and I guess we are in Hilo tomorrow we are in Maui on Monday, Kauai on Wednesday and Oahu two locations on Thursday. But the end of the month we would have sufficient recommendations or we have to change priorities. And the reason we also have 16 consultants and we are basically broken down in various regions so that you can have 16 projects come out a time. So, that hopefully with the way that it is we can get all of it out in a short while. And, my only stumbling block right now, cause we are talking about negotiating with Consultants also is that we've got a new Governor. Hopefully the process and selection of the negotiating consultant doesn't come to a halt for three months or whatever it may be. Which could delay the total ending result.

John: One of the problems was getting all of the DLNR managers meeting you on the same page?

Clyde: Correct

John: You have your consultants working with the sixteen consultants

Clyde: The sixteen consultants are the design consultants to remove the physical barriers as identified.

John: Unintelligible

Clyde: They're architects, civil engineers, basically they submitted their, yearly the DLNR, all State agencies puts out a mandate to solicit professional services for various types of projects or specialties. The consultants put their name in and based on this list of submitted consultants is what we draw from. So other than their desire and their basic resume or their past experience is all we really have to go with.

John: They are provided the ADA Guidelines?

Clyde: This is where we were having trouble a lot, just like us it's a different language, we've had two training exercises with our consultants already to try to explain to them what DLNR is looking into and its going into technically infeasible and all these other issues that we are not to move structural walls we're not to do various things. But, to the extent that we can make a facility accessible and we are priority is usually by use. So, we looked up the greatest use areas and that's the number one project throughout. But anyway, what happened we hired another engineering company after Accessibility Planning named Carter Burgess. Carter Burgess is the civil engineering but they also has an architect on board. They work with DLNR's engineering staff. What the survey results on the physical barriers we can State develop what the plan of action is. After the plan of action was developed on what we're going to do. Then, we went through the process of hiring the consultant's to do that work.

John: You don't know if those people actually know what ADA is all about.

Clyde: You're right, John.

John: My concern is if they are to remove physical barriers and they don't know what it means to be accessible at the end of the project.

Clyde: That's what got us to, that's what we went around in circles on. So, this is nuts. So, we hire a consultant that's independent, Accessibility Planning to assess the project so we are not biased. We hire another engineering firm to help us develop a scope of work to use their expertise. Then, we're hiring design consultant's to work with us as well as our Carter Burgess consultants to be sure that the work is carried out. Then, Carter Burgess's also went out with our state inspector to inspect it in accordance with what was stated. And when its all finished Accessibility Planning comes in again to see if the facilities are compliant.

John: It's too late if they haven't done it already, I'm new to Hawaii and just moved here four months ago. I am just retired from the Federal Government so I know what governmental is all about. And I worked on ADA and a number of other legislation on accessibility so, I understand the problems your up against. But, at the same time we really have to avoid wasting State money

Clyde: We understand that

John: You really have to have people examine the plans before they start to implement them to eliminate that problem.

Clyde: First of all, this is what were caught on. We had initial training to inform them of what we are looking at, the consultants. We had to have the consultants to go through a training as part of their selection process. After we went through and told them what their scope of work was, what there plan of action was to be we noticed by their fees that they proposed back to the state they understood it wrong. Okay. Grant you more than half didn't understand what they were supposed to do. Then we had to go back, like we are here and we had to sit down with the consultants again. What didn't you understand? To help them right now, what we are developing is DLNR's own standards for facility improvements. It will show them pictures and how to place them and everything which is similar to ADAAG and is, with them is precedence as UFAS. And, it is basically to say how DLNR is looking at it.

John: You must have had an intermediate step where plans are reviewed by the State Commission or DCAB.

Clyde: There are.

John: Okay. There is a big problem with that. Primarily when you have a big state park and you are only addressing certain elements within that park the plans may be right but, how the intermingle with each other from the other plans they flow into is not prevalent or present in the plans that DCAB reviews. The whole plans from the whole park needs to be sitting in front of them they are just looking at certain elements. Oh yah the bathroom has to be this and the sidewalk has to be that and they okay it. And then the contractor comes along and God knows what happens after the contractor get through with it. And we find invariably that the no comes come back that no one comes back after the job is completed and reviews the whole thing to make sure its done right. It just never happens. I have always maintained that consultants should look at the front and the back and not just the front. And they don't look at the end product.

Clyde: Okay John. I understand what you get because like you said, I've developer of park facilities you've caught me so many times after the fact because what we put on paper is not necessarily what is translated on the ground. I grant you that. And that's the major issue. And that's when we picked this thing up and we have DCAB. Anyway, Eric Hirano he going to be at the new engineering head for DLNR but he is currently the deputy. Anyway, we were mulling on the same issue. What he has informed us as a deputy and now he is going to do it on the engineering side is this ADA team that we basically formed is to review all of DLNR's action so that, in the sense, the agency will be able to fit all the pieces together.

John: When the plans were submitted to DCAB. They review only what was submitted in the plans.

Clyde: Correct

John: So, if the plan does not include all the various aspects, then the approve it. And you still have parts of the plan that are incompliance. How do you deal with that?

Clyde: That's happened. That's happened already. And it's happened in Kealahou, it's happened at Kona Pier. And what we are saying and if you looked at the document is yes we understand that the agency may have jumped the gun or may have capital improvement funds or whatever funds that they had to do whatever particular project there. And we tried to get them to address the ADA issues. Those items that were still initially inventoried and were still held liable is what we are going to pick up in the transition plan. That why I say the agency is still going to be the one to ensure the total package is put together.

John: When you do that, you submit it to DCAB do you submit it do you do an audit?

Clyde: That's a semantics term. What do you mean by audit?

John: In other words you lay out a plan and normally the plans are supported by an audit as to what the cost includes.

Clyde: We have cost estimates to be submitted by the consultants for various phase of work.

John: But you won't do an audit?

Clyde: We don't. The proof in the pudding for the state is generally when you bid it up and that's the actual contract price.

John: We have a lot of experience with County of Hawaii and they are going through the same trials and tribulations that they are going through. We are finding out that the original estimate for the County of Hawaii for parks facilities was 30 million dollars over a ten year period but by the time they go out to bid and the job is done that's when it elevates to around 90 million dollars because the estimate was so wrong as to what these contractors are going to charge them to do for the job, and the architects. And we are finding out the architects usually who draw the plan are novices hired by an engineering company and they give them the dirty work of doing the ADA department and they have drawn over time and time and time again and this costs money.

Clyde: You brought up an interesting point on this thing John. It got us in a quandary, if we had the right bunch of people we've hired as a group of competence, plumbers and whatever and they went throughout the parks all of its facilities and did the work and could somehow document and everything. It would be cheaply done. When we have to account for legally that is was properly designed, and properly contracted because its peoples money and it was properly built and following inspected. Those costs quite a bit outweigh, in fact we find it at times that the design costs outweigh the product, they really do. Because the product is so small. But we are in a quandary is that we have to document it somehow and there has to be, there isn't very many mechanisms on that. You can go ahead Norman.

Norman: In order to also again worried about costs and architects and consultants. Before they start their work one of the requirements they are supposed to start a conceptual plan for example for our facility as we had mentioned. These are the items I want to address and this is how I propose to resolve these items. And if we look at it and say "no, I don't think it works" we stop the work at that point and try to work things about before incurring more costs by the guy coming up something that is already pre final or something. So we try to put all these checks in place to steer these people in the right direction and hopefully minimize costs.

John: In any of those steps have you gone back to the community and asked the public report.

Clyde: No. This is what we are doing right now is trying to get the community.

Bob: Looks like we got about an hour and half of John's comments

John: Look at the physical attributes is what we are trying to do and lets get into the programmatically area.

Clyde: We had workshops for all of the DLNR programs on each island as well as several on Oahu and we talked to every supervisor or manager in DLNR. Those who are thought to be responsible submitted forms and they basically identified in those forms what the shortcomings or what their

knowledge is of the ADA programs as they deal with it on a daily issue. And this is part of what Accessibility Planning is to develop further into a manual.

John: You got quiet a bit of your evaluation dedicated to programmatic accessibility you say all the right things from the stand point that your are going to do this and you pull it directly from the ADA book but, I don't see too much of your results of what you've done programmatically. And that's a big concern because we are dealing with not only, you're dealing with how you notify the public of what's available and you've got areas of public, you've got hearing impaired, physically impaired, visually impaired and all the different impairments. And I don't see anything in any formats, even any brochures or media that we can go to look and see what's at this facility, what's available to us, what is going on at that facility. And, it's just kind of a hard spot trying to figure out where do I want to go and to a person just coming to this island or to this State I should say, man they are totally lost.

Clyde: John I agree with you I've probably got half a dozen people coming from the mainland and since they nominated me for ADA coordinator I'm coming to Hawaii where do I go, where can I go. And I briefly said I really don't know at this time.

John: Well I went over the Kona Marketplace over here. They had a visitor center where they have all these little booklets with free goodies and go here and you get that. And do you have any information on State Parks. No, we don't carry anything. And but if you go to the airport they have a visitor center at the airport. I don't want to go to the airport. I mean that is the only facility that I understand that has any information at all about parks, and what's in the parks and where the parks are.

Norman: It's not really the responsibility of them.

John: And, I said well gee that doesn't make too much sense there is only one location. And I was talking to this other passenger and she stopped at the airport and got one of the VIP pamphlet. There is some maps of the parks and its not put out by the DLNR. And evidently it is a private something or other that has these maps. So I call them up this morning and says do you put those in the visitor centers throughout. We have visitor centers throughout the whole area and no. I said, We'll kindly get them. He says, We have a 30 page restaurant guide and you go to Wasabi's Japanese Restaurant or something and they'll probably give you one and not charge you anything for it. So I am saying that is exactly what information that DLNR has available to the public for facilities that they operate that relate to program procedures and policies and activities and evidently that's it. I don't know.

Clyde: DLNR publishes a wide variety of publications that I grant you that a lot currently don't address ADA issues. There were times when we were ignorant and some of us are still ignorant. Similar when we say go look at the DLNR accessible website and I've had enough people from your community to tell me what is not accessible. I have enough experts in DLNR who tell me that it's accessible. I go nuts

Public: Actually it's not accessible because you don't have all of the same material on it that you have on the regular site. That is the biggest problem as far as I am concerned. When someone is blind and uses a screen reader on it, I've been to your site, it's very good but it doesn't contain all the information. Especially, the file of the material I wanted to read about for today. It's not there anyplace.

Merle: I wanted to follow what you had to say about that. For me we had numerous inquirers from all over the country about, my name is Merle, we have all these inquires about visitors who want to come here. Primarily we are a visitor industry, you know the state is a visitor industry and yet we have not really gone overboard or even all the way we should to attract a visitor who has a disability. There are 40 million of them in the country and many of them have money to come and spend so in essence we, when I say we I mean the state, has failed to grace this population to bolster their tourist industry. So, what John brings up and this other gentlemen about information there is insufficient information and I believe that is the responsibility of your department in some manner, first is Winington Park a State Park.

Clyde: No, that's a County Park.

Merle: That's a County Park.

Clyde: Correct.

Merle: Well then I won't mention it.

Clyde: I wanted that to be a State Park.

Merle: It is a beautiful location, its just filthy. So, these are the kinds of problems that people with disabilities have. They call up and say well can I get transportation from here to there. I mean the whole thing across the board is insufficient and I would just add one other thing. There is no quality control. Or if there is quality control it is not up to speed.

Clyde: I grant you that. And like I said where are kind of negligent in a sense. And, you know the only thing I can say is that I hope we take a step better in the future. And one of those steps is that we are going to the legislator to fund an ADA Coordinator. Even though I am an ADA Coordinator right now. It is not a funded position. I am still a park manager. So, hopefully with fulltime staff the DLNR can look into putting in the emphasis and coordinating things better. Like you say it is not done well and it is not well coordinated.

Merle: And we want to help you guys. We don't want to come here and beat you guys up about something you did or didn't do. I mean the whole future of this state is hinged of one damn thing that disability issues. And it is just not very good.

Clyde: He and I have been, he's been with me for a dozen years. I've been building parks with UFAS and ADAAG we went to Kauai and the Waimea Canyon lookout. And for the first time we built a wheelchair ramp. Maybe not quite to standards, not as long as we were going to do at Hapuna. Anyway we built a ramp that overlook the rim and we were there just a few minutes in the morning. There were three or four buses that came out we were surprised the whole side of the bus, there was a door that comes down. It swings down like an elevator and these powered wheelchairs came out, in fact they were other people. And they were accessing that six months to a year ago was not accessible. And your right, we didn't think we had it. And then we look and yes maybe there is. And as something also when you say we don't treat the tourist right. Ten years ago in fact even 15 years ago they wanted to go State Parks over the County. Implication of service, I fought it, he fought it. In terms of State when the

revenue streams are down. I guess they look at other programs, education whatever being a higher priority. Unfortunately, parks are not a very high priority. We have been trying to push the issue that parks are for people. Parks are part of the tourist engine in Hawaii.

Merle: That's correct.

Clyde: You know we can't even convince the tourism authority of that fact. In fact the only way they're looking at it is R&M. And say, no, I think you should look at us as capital improvements to build the visitor industry because we have some high service.

John: I think you folks could really get a lot more accomplished if you really got your hands on program access and all that it encompasses.

Clyde: Like I said John, I could show you a copy. We interviewed everyone of our managers and they all submitted forms to get the program issue going but for me I am a developer. So, emphasis is different way. The higher priority because of the timeline was supposed to take care of the physical barrier removal. Honestly, because of time lack I had to do it by 2005, that's two years. And we are just getting started now. The program hopefully that we could be able to educate our staff and do that while we were working on the physical barriers. But this other engine of the physical barriers entails a lot of other people. A lot of other consultants and everything. When we start dealing with the internal program we are talking internal staff. So we basically talking about ourselves and hopefully do a better job at it. But, when we are talking about all these consultants we have, new governors, new everything. Everything is timing, everything is timing.

John: No one knows what is going to happen with the new governor.

Norman: No. We are going to work on a program and we have retained Accessibility Planning to work with our program managers to come up the policies and procedures and the things you have mentioned so that we can come up with a manual and train the staff. So someone says I need this document in Braille or large print or audio cassette or I need a brochure of accessible facilities.

John: Of course there are a lot things you could even publish in alternate formats just to have them available and costs to provide Braille services or whatever.

Clyde: We can't charge you anymore than we would charge for visitations.

John: But it doesn't say in here that the costs is so much in alternate format or Braille or whatever and it doesn't say how its going to be done and who's going to pay for it and you kind of get the impression is I want something in an alternate format then maybe I've got to pay for it.

Public: There are other ways to but, if you want it in alternate format, you obviously do to print something. That there are organizations that will provide the alternative format but you have to take a step forward.

Clyde: Like I said, we are new at this game. He and I went to the library of the blind in Waikiki. We said we want this in Braille would you mind doing this for us. Oh, come back and see us in a month. What about formatting or do you have to read it. Oh, you have to have it in HTML or

something you have to have various things. You have it in the wrong format. I said, Okay. We are learning. I am just saying we are learning. What we found out there that they found out for us that could turn around a document this thick in a week in Braille at about \$500 for the first copy and about \$30 each additional copy.

Merle: I had your jobs for about three months in one of my previous lives. So I went through some this. One of the first things we had to do was make sure everything was published we said if you would like this in large print which you can get at zero costs or if you would like this in cassette form or Braille please call this number. And we went out and contracted with these service people who did Braille so if somebody calls up and says I need this. You don't get that very often, but if they do need it in that format you could have it done. That should be on every brochure you put out. A number that you can call.

Clyde: DLNR has an information committee that they meet in our office. We are not part of it but, basically they go over the media that touches the public. It is something that we personally haven't discussed with them on all these issues that you are bringing up. But, there is a committee that organizes the material that goes out to the public.

Merle: We need to have that on every brochure.

Clyde: And then those are the people who told me that the website is accessible. And everyone is telling me its not.

Merle: It's just that you don't have all of the information on the website.

Clyde: Yeah, but it is very difficult for people like me to understand the issues. I need someone to basically educate us about those issues. Trying to get in touch with Bruce Clark is very trying and think you guys have him working on the Big Island or Kauai various other islands doing the accessibility studies. And, as such when I try to call him to try and talk about various issues he is always on the road.

Public: If you need a group of individuals to call then I will be someone who could help you on some of these issues.

Merle: In your organization, how does the chain of commands filter down. I mean where does it start, where does it end.

Clyde: Okay, you have to go historically. DLNR is a hodgepodge of various agencies formed with state workers. It is all fiefdoms and they treat their budget their people their programs like individual empires. There is a very difficult thing called a Board of Land and Natural Resource and you know department with a very small core people to try to tie this fiefdom with little castles all around the country to give you the information because they guard it jealously.

Public: That's right. That probably is a big part of the problem isn't.

Clyde: What you are having now is that we are trying to put an oversight over people who have been used to running independently.

John: That's what I found in all these years with the agency Unintelligible

Clyde: When I was in the military trying to do landmines. Diffuse them in the last war and like I said you don't want to get blow up by them.

John: Well you know as long as DLNR can recognize them that there is some kind of board there.

Clyde: What do you think the Unintelligible that is going on our estimate and we had to do it for our sake, is we have a column for a set a cost. In the sense that, we're going to remove something, it might be nice at least to paint or patch the hole or whatever if you remove the grab bar or removing something, or moving a patrician. And it's a minor cost in there, and it's the only thing that was not identified initially, as well, I think the design things were adequately addressed initially. And those things, you know, basically added to the costs of what were projecting.

Merle: One thing Unintelligible which is, for facilities, we have a lot of very nice organizations, to go in, and hey look, we've had it for year. And low and behold they start in, and there is no control of those people. Absolutely no control whatsoever

Clyde: Watch out, I scolded him.

Merle: You know, it happens so many times, that good intention organizations want to do something, and they go ahead and do it and they don't get the proper approval. But that is also the responsibility of DLNR personnel who knows what is going on in their facilities when these organizations are doing this.

Clyde: Part of the problem which you have and I have, for me, I'm sitting in Honolulu, and I'm not apprised with all the local issues, but, they're in a bind that they are trying to help out the community as much as possible, its very difficult to for them to turn down some of these nice projects, and they are not apprised until recently about these ADA issues, they assume some nebulous part of the government agencies are handling that. Well, the nebulous government agencies, are not. We're trying to ring that through a few people to understand those issues, even to replace this thing. So, we build all these things accessible, what happens three years from now? Its not going to replace it that way, that's our next biggest issue, is how we are training our people and the service industry to put it back right.

Merle: We don't want to discourage those people from doing these things, we just want to encourage those people to go to the right people and get the right answers so that they can go ahead and do it because they find all these things themselves, all we need is a little bit of help and direction as to what procedure to go through and we can get this done.

Norman: And that should be part of the process.

Clyde: Like I said, he's in Hilo, the guy here, as a caretaker, he probably has a turnover to at least six months a year, there is a new guy at the bottom. He goes out to the hardware store and he see it and he sticks it in. It's the wrong length and he wasn't suppose to do that. In his job, he saw me a

problem and he fixed it, and its very hard, unless you are continually training to apprise to people at the bottom.

Merle: One thing you can do is fairly cheap. Is everybody who decides to do the project handles the document which says, "Any changes, and whatever, must be through the federal standards. For further information, contact this number." And then you can have some illustrations in there of ramps and other changes. So one thing, they do know there is a law, and if they built something they better be concerned about it, that it could be a problem and then someone to call about it. And it wouldn't cost very much to handle groups. Do you have work orders?

Clyde: No, not necessarily. That is the problem with government, is government itself. Like I said, as we shrink, in a sense, that we try to de-band more of our managers, we're fighting fires more often, a lot of these folks, while meaning or intended for, basically become desk ornaments because of expediency. And I'm sorry to say because it just becomes that way because they don't necessarily have a dedicated core that is trained just to do that.

Merle: How about training, do you think you need to do more training?

Clyde: As part of our training, in fact, when we laid it out to our managers first. First, we wanted to find out who are all DLNR's hundreds of managers were. We had them all. We wanted to know what programs they've met, and we found out, that even though people are going in the frontline, they didn't even understand that they had to meet the needs of the handicapped and they didn't even know they existed. On top of that, we told them we'll come back and train them, as well as provide information to run their programs, which we haven't done yet, and you are questioning me on. We've said that we are going to develop a manual so that we can, then, train as well as our consultants and our first line of people who do the repairs, so we are going to bring our maintenance people and do it. As well as we are going to have another training to train those clerks and everybody who answered the phone or who are the first point of contact.

John: I think these organization, like the old airport park, is a beautiful example, it's a big grass area Unintelligible

Norman: We stopped them from putting in the benches because they weren't going to put it on any concrete pads, so eventually they would not be accessible.

Eric: I just wanted to be sure, for the audience here. I appreciate all of you coming in ,and I appreciate all of your comments. With just a little bit of confusion, we do have an ADA team at DLNR right now, which is of course, Clyde, Norman, Larry, unfortunately he is ill today, within the department itself, and I think there was a question before, What about the other sixteen consultants? They are not really part of the ADA team. The ADA team is what you see in front of you, we have Accessibility Planning as part of the consultant team to our ADA team within DLNR and we also have this other consultant firm, Carter & Burgess which is going to help our ADA team on basically the construction side, keeping in compliance also, most of the facilities are being constructed, and as the plan are being built, they help us to monitor the plans before it goes to D-CAB and come back and be sure that the ADA requirements are being complied with. They are also going to certify, after the construction is over, that the ADA improvements are compliant.

Clyde: According to plans.

Eric: According to plans, correct. Now that is our ADA team, now the, I just didn't want any confusion, the other sixteen consultants that we are hiring, as Clyde has mentioned. You know, as you can see, the transition has hundreds of projects to be completed. So these are the sixteen consultants that are going to be helping us to design and to get these plans off on the books. Our ADA team is Accessibility Planning and Carter & Burgess. They are in charge of helping to train these consultants, to be sure that they know what they are doing, and they're also, our ADA team, Accessibility Planning is going to be, we are hiring them to ensure that our staff is properly trained, as Clyde was just mentioning, they are going to be in charge of helping us develop some specific office policies for our divisions, they are going to be in charge of training our managers and our first line of defense, our clerical staff, so that when we do get a phone call, if they need something in Braille, they'll know what to do. We need something in large print, they'll know what to do. That is going to be part of their contracting, in training our staff, our line staff.

Public: Is your ADA team broad enough for the state? Or is it too narrow where its just overwhelmed with the intengible

DLNR: Its going to be, its going to be something that we are going to have to build upon. Right now, we are going in, you know, Clyde and Norman will be resigning at the end of this year, so we are going in for a specific ADA coordinator position to legislate this session, and we are hoping to get it because we're basically specifying, I believe scheduling additional funding. So that there will be some continuity as the department moves on. Now, I think as we go on and we look at the path, as you are mentioning, it is invaluable because that will help us determine, will we need additional assistance? Or can this coordinator have our consultants and that is part of our engineering division. Can they handle that additional workload in a timely manner? Its going to be some growing pains but that is our long term goals right now.

Public: Unintelligible

Clyde: We can get the grant which is normally available for parks. Boating has a different fund. There is various funding that are available from the federal government that could say.

DLNR: Each of the separate divisions can tackle those various funding.

John: They are looking very, very closely at the State of Hawaii now and all the states
Unintelligible

Clyde: So you got to remember one thing, during the period of ten years, getting grant money out of the federal government, and there wasn't anything in the federal government. And this last year, this year, you are right, there is finally seeing the dribbles of money of coming in.

John: I see on page A9 under tents, Pearl Harbor leases property to Gentry, the field station, and jack. Two years ago, or maybe a little more than three years ago, I see Gentry older facility because their facility along with the restaurant is totally non-accessible. Also, to the field station, Unintelligible. Now, can this plan, Bruce Clark was the consultant on this job and he set up the requirements for Gentry and the station. Now I look in here, and it says that at Gentry Boating Facility tenants will be notified in writing to address all accessible agents. That comes to me at maybe something still has to be done.

Clyde: What it amounts to, is that all leases, and you know, agreements within the state, our land division, all the documents should address all the requirements of Title III for the tenants. This is what it is, when you draft, and we hope you do it soon, this is what were voting, that you will, as part of your lease documents, tell your tenant that he has to conform to Title III.

John: Is that as far as it is going to go? For instance, Gentry, technically they are not going to do it, they said, if anything is going to be done by DLNR, well I'm sorry we can't reach you through this facility anymore, you are going to have to pay so much so we can bring the facility into compliance or what?

Clyde: All leases, basically are board action, DLNR and board action, and it's a requirement of the lease, then they recourse it through the board. So whatever terms, condition, or penalties, would be issued through the board.

Public: Well that's passing the button before, what are the odds that the board will take action.

Clyde: By law.

Public: I know, but what are the odds that the board will actually take some action.

Clyde: I can't say they will, but they will most likely have to take some type of action.

John: I'm trying to believe the State of Hawaii isn't trying to put the burden right back on the disabled community of Hawaii. After all these things are done, money is spent, it still ends up as the responsibility of the disabled community to make sure that what is done is done. I have to many years experience.

Clyde: So we have been watching what DOT has done, and they have an ADA coordinator, we have noticed that that person basically has the power of the director. His word, as brought to his attention, is not in compliance, its basically to force the agency to comply.

Merle: It sounds good on paper.

John: That is why I'm bringing this up. And what I've wanted to bring up I haven't gotten to yet

Public: Before we talk about that, I want to talk about this fueling. What is the DLNR position on exclusivity of dealings. You have a dealer there and another dealer wants to come in, what is the state's attitude about that?

Clyde: Its not a boating specialist.

Public: I'm not talking about boats, I'm talking about exclusivity on state property which is against the law.

Clyde: Well you are right in a sense that any lease or whatever is suppose to be a competitive resource.

Public: That is good, so if another person wanted to come on Honokohau Harbor, what are you folks going to tell me?

Clyde: Well I'm the law, but first and basically that notice in the back, we have some similar issues with parks. That is that they basically partition the agency to go for the board to open up a lease for that area, and we have that for residential leases. They found two agencies to get to the board to force and issue to open it up.

John: How is this bringing credit Unintelligible With that information who is responsible for it and who will finance it? I understand, two, three of you will be leaving the agency several weeks from now.

Clyde: Well, Norman and I, basically we've been doing so much special projects and things, the state decided that they are also going to change your retirement system. It's the two page you get upon, instead of you calculating on your highest tree, we are going to do it by your last three calendar years. And so basically as much as we may want to, we also kind of divided that we wouldn't mind trying to finish up, we'd like to have some kind of obligation to do this, but he and I still have to do parks, he and I still have to do other issues, and we're just getting burnt out.

Public: I've been burnt out, I've been there.

Clyde: And that is our problem, you know.

Public: All the comments being made today, will this carry through when we get the new group of people, or will we have to educate them?

Clyde: Well, where he's put it, is in resignation, and I went to the same seminar, and we are going to be retired in December 30, 2002 or December 31, 2002, whatever the date was. And we decided we were all going to leave the same time. They sent their paper into the agency saying that as of such and such they will be leaving. I did not do that. Reason why is, I wanted to be sure to talk to whoever the community appointed head of the agency, to get a feeling that at least I'm comfortable that there is some sort of way that we get this knowledge or we get this thing going. If I get a bad feeling, I don't know if I'll stay in the next six months to a year, just to get it off. Like I said, it is hard to do that with the state and the other hand says, "If you work one day after December 31, every pay check you get, you are going to loose \$300-\$500. Now, that is ridiculous, you know, for me to work where they are going to penalize me, by taking away my money.

Public: Of course that is.

John: As you were addressing the tenants as to the responsibility, I'm trying to appear that they have a spacious kind of manner. Unintelligible I think they should have some accessible buses, vans, whatever to transfer those people in wheelchairs, and there are a lot of wheelchair people coming. So they can enjoy going shopping, taking tours, etc. I know its facilities, and I'm not saying every van needs a wheelchair lift, but I'm saying there should be some because a lot of them do it, round trip, but

they discontinued some Unintelligible They are tenants they are ready, they are paying for their service and activity.

Clyde: I looked at it and you're right, in December 2001, you brought this issue. I looked at the transcripts, we met with boating managers when we went out, and got involved in this thing just a few months ago, we talked to the Hawaii Boating Managers, they said that John Hartman has this issue with the agreements that you have with the boats, and you may have agreements with the shuttle. What are the agreements that are with the buses? Basically, what they told us, they were like third party agreements with which DLNR was not an active participant, was not a participant at all. And when we went around it, it appears that the TOC would have to come into play. I grant you that the activities take place on state land, which is the pier itself. We don't know, but John, I'm talking, the information with the boating managers. I don't look at papers, they hustled tours out of the boat or wherever the tours are sold.

John: The tours, if you're on a Robert's Tours which goes through a volcano, that is a paid trip. These little shuttle buses that shuttle people out to the shopping centers, that is just a service that is being provided so there is no charge if there literally is a passenger on the boat, I could go up there, I'd like to go to Hilo Hattie and the shuttle comes around, just jump on it and go. That checks that I've done this before. I just feel that he is being paid on the state land, that the state should have the say, we wanted certain percentages with us for wheelchairs, etc. I see to many of these people in wheelchairs. Unintelligible

Clyde: That's it John. Rather than having a boat full of people, you know, two, what you're saying is fundamentally right. You could pay all the money, you come into Hawaii, and you get off one vehicle and you expect to be, somehow, catered to get to wherever you want to go, but unfortunately, this is also, America, and unless you can find an easier somewhere, my people haven't found an easy answer to this right now.

John: The only answer I have is the shuttle buses, which I think is ridiculous as long as they are an easy state facility.

Merle: And I would comment to that, that the state has failed to set the policy, I mean if you set the policy on your pier to service ports, people are going to have to comply with it. These guys don't want to set the policy or if you feel you don't have the authority to set the policy, I think you're dodging the issue.

John: Either than or you know it.

Merle: And yeah, and that brings up another issue about the pier. There is improvement money going into the pier, and they are going to improve the loading and offloading, they are going to put in a couple of new ramps, and what not, and one of the ramps are not accessible, and the other one is. What kind of sense does that make? Because if a boat wants to discharge a wheelchair person, and the accessible ramp that is already have a boat on it, this boat has to lay off until that boat leaves, when there is a ramp that is available, but not accessible. And one is not.

Clyde: By the way the mix is, there is adequate to service their needs because there will always be at least one dock that will be accessible for use.

John: They find it common sense for that.

Merle: To add to that, the pier, itself, is very marginal. Now, they had this problem in Catalina and if that pier would collapse or something, you can imagine what hell that would raise. So, the question is, Unintelligible I mean its only money.

Clyde: Unfortunately, to these things, about environment and everything else, once you tear it out, it is a difficult issue to rebuild something. In boating, it seems like Waikiki's Ala Wai's are cash that are feeding the rest of the system.

Merle: Do you folks have an enterprise month?

Norman: We don't have an enterprise month.

Clyde: We have a special where once a program, in a sense, boating, their expenditures and their, so many is based on their revenue, so that is why they can't do a lot of their construction because it pays for their daily maintenance and upkeep as well as their tracking.

Merle: Does the state have any concern about the condition of the pier and the same issue regarding it with all the buses and everything that go on here. And we clean fills and holes in the bottom, etc.

Clyde: Yeah, we've seen them to and we've evaluated them to and periodically they do step structural engineers and things to evaluate.

John: It seems like things are sure to resurface after they do whatever they have to do. And that surface on that pier is bad enough without it. Tripler has things like that, but someone is going to pay the price for that. I don't have any more comments about that.

Clyde: Yes.

John: We've got that one pretty much settled. My main concern about that, that is a very important part just because of its importance. I have a poll that there would be some kind of assurance that the public can go there and get the fuels standards that is going on because it is a very important.

Clyde: John, I agree with you, and there is a visitor center and an interpretation branch doing brochures and various other media, for that part. Unfortunately, its also within the communities, and the community is to us, like county park. Yeah, and the county park, they do not necessarily want us to expand their industry or expand the use of those park areas. And Kealahou just happens to be one of those areas. I've been there three times, I struck out three times, every five years I've been there, to try to develop that party, and the community changes every five years, so there is a new group. And every five years, they want to keep it like their backyard park. Even though it has international significance.

John: I was kind of happy to see that a lot of your parks have trails around, and I see you seem to be addressing that and the trail is okay. The accessibility is good, its an accessible trail. The trail head certainly has information.

Clyde: It was a tough thing to try to define from various programs run by two or three different agencies with in DLNR. I wanted to figure out a trail, I guess maybe five different types of trails like the National Park does. The trail people have three standards, and I wanted to talk with them, they didn't want to with me, we kind of agreed that we would define at least what a trail head is and what amenities would be provided at a trail which is the signage, the parking acceptable to the signage. And to DLNR Unintelligible I've been trying hard.

John: I'm glad to see this addressed because we are reaching that, and it'll be addressed later on.

Clyde: But the difficult part that you noted, and I would note at times is where you determine to do the trail bed because up to the trail head everything must be accessible and if you have any improvements within 300 feet beyond the trail bed, you might have to consider doing that accessible to that point. So we're very aware of all those places when we value these trails with the other agencies. So, some areas, we've made the trails accessible to the extent possible, some places we relocated the trail beds. We do not eliminate trails.

John: I talked to an ADA consultant as to why eliminate trails or the trail head and they have a very simple job, they're just going to make proportions that we can make accessible equal as the ADA says, so we can't, make wide pathways and small stuff. The area we are looking is to be made accessible. Unintelligible

Clyde: We are trying to even make Fern Grotto accessible, and that is a major tourist destination area. We've looked at various ways as much as we can to make them accessible. We can't do the job of all of it. In Maui, we had to draw the line that the trail head would be at the cumber station where there is sufficient room for signage accessibility. And you could see the spire and at least have a similar experience to the extent possible. We've tried to analyze as much as we can to help you on that. We didn't say that the videos or all the other things wouldn't help, the simple fact is that DLNR doesn't have the resources, we have people to work to give you similar experiences.

John: Well, it may be that, the video can be displayed somewhere else, so that people with disabilities can get that experience.

Clyde: I had a hell of a time with Unintelligible of restoring that what was that, about five years ago now, with the ladies there. They fought me to the nail about trying other alterations and trying to make that accessible. They would be fighting me too with the ladies.

John: I was just saying to get the video.

Clyde: Yeah, we did get the video.

John: And that was Unintelligible

Clyde: But they forgot to make the toilet accessible. At least we are going in the right direction.

John: One thing they did miss is that when you're in a wheelchair there is no one telling you that they have this video. Oh, they told me, you can go around there and check it out, they just put me on the ground and wrestled me because they didn't want me to see the video.

Clyde: Its something, like I said, I'm learning as I go on.

John: Well they said its on the program.

Clyde: Yes, based on the program. Listen, John, I've been with you for a long time.

John: How come the air force stays in the recreation area? That is what I'd like to talk to you about. In that tract, in that work out tract, the main entrance is very soft, and wheelchairs aren't able to get in through the tract, and about twenty yards south of that there is an ice hall that a wheelchair can go through and they have an accessible bathroom, not the stall, just an accessible bathroom. So there is no stall after you go through the entrance, that you can use, when you're in a wheelchair. So, what we need is an accessible marked stall.

Clyde: We talked about that with the consultant that we would provide a parking stall and stuff like that.

John: We do have the provisions that are somewhat accessible. We have to van accessible stalls. I think there should be a few more stalls based on the parking spaces surrounding them. The main thing is, is not loose, it is not gravel, its just big chunks of asphalt.

Glenn: The runway is breaking apart.

John: Is that what it is? Oh boy.

Glenn : Everyone once in a while, the service guys, come and check it because it can squeak. Yeah, you know, we have the community service guys to come in, and they have to perform "x" amount of hours otherwise, so they'll just do those kinds of things, it just breaks up so much, that today you get a motorcycle, and those guys just kick everything out.

John: 184 stalls are provided. This is there thing. If you go across the front and down the side, and across the back of every accessible stall.

Clyde: I don't think counting the stall for Unintelligible But they should count the stall, the front door besides the back door.

John: They are always on the side.

Glenn : Those become kind of far off.

John: Not for accessible practice, but in general more accessible parking stalls.

Glenn : I think we need more. I think what we will end up doing is adding more Unintelligible.

Norman: So, six is not enough you are saying? We should increase in quantities?

Glenn: I think we should put all accessible stalls on the back side, so the front side is clear.

Norman: I understand that.

Glenn: We should do the closest to the ramp down, all of that is two layers, right up against the grass.

Clyde: All you are doing is adding one more stall.

John: All I know is there is not enough and it definitely needs to be more, you should look at the back side of the back road by the tree. Unintelligible.

John: A comment from (Unintelligible) The women's restroom have a very high curb, and I didn't see it improved and when you can reach it I went around the building which is no problem for somebody in a wheelchair, I can go in mine, but I see these older women have walkers and canes, they want to go to the restroom and they have to go all the way around the front and go all the way back.

Clyde: If we have some left over, because we have a budget, if you provide me the address Unintelligible. We know that the restaurant isn't fully accessible. It says that we looked at the building and there were some minor to make it fully accessible, so its accessible..

John: Okay, now one thing, I think I would like to take a look at, you have an ongoing civil advisory group in DLNR?

Clyde: You know, we lifted that thing because of the consent decree and one of the items of the consent decree is to one, you had to have an ADA coordinator, two, it was revised to have a committee. We discussed it with the chair person and a preceding deputy was much involved in the issue. At this current stage, we started, basically, to include the department so there is no advisory, which is bad for me and its bad for my boss.

John: Unintelligible

Clyde: The idea, is, I guess we are learning.

John: Well, first is the experience. Two, I'm speaking politically and you all are completely honest. It is nice to have some signed off. If the state will sign off on some of these policies. Secondly, it is really helpful to have a copy once a month and have volunteers or the same architect. When you are talking about program access, it has somebody who has this, and they say, look at this and you have interpreters available, but you don't have real time. ADA requires real time caption. Or disabled people look at it, say it's a beautiful park, the restrooms are accessible and so is the parking, but there is six feet of gravel from the trail between the parking and the restroom. So its well worth it to have this advisory board meeting.

Clyde: We recommended it and, like I said, it's a learning experience that, I guess not all of our working relationships with D-CAB have been helpful. I'm just saying, we haven't established a core.

You have me, a complete stranger to ADA he's a specialist and I'm an expert, and we'll get something to have a good enough job. And we're trying to train other people also to get into this field of business. Like I said, Unintelligible then it Unintelligible all of us up in the future. Right now, it's very hard talking to those people, especially when it costs doubts. And you are talking money, and you'd like to have a little bit, tighter control over it. And so all these things about committees and other things that they may not control.

John: Having them meet in your office Unintelligible

Clyde: Well, we're going on to a process where we'll be able to establish it. Anyway, we looked under your (Unintelligible) This is what we're basically given to the consultant for, you know, what deficiencies to correct.

Clyde: I do. And you are talking to the guy that for the last 29 years and 9 months built all these parks. And now, trying to correct all the error and mistakes trying to bring them up to the current standards. Your Kailua Pier we will make an accessible route. Specifically find things to give to the consultants. If you put in all the numbers we were just swamped with too much information, the numbers.

Bob: The site surveys, the actual site surveys with photographs and everything there are three computer boxes full of them. Pages and photographs of everything.

John: The pictures don't match your sequences.

Clyde: We noticed that, we talked to boating and when we are talking to boating consultants we are basically reinforcing that it is there. All of those. We are jumping here all over the place.

John: It is projecting out into the water and the sequences all got out of order the pictures don't match.

Clyde: We agree with you on that.

John: As long as you corrected that.

Clyde: It's surprising that with this amount of information granted there are huge things like that that come up.

John: Well that was just one I could have a vested interest in because Unintelligible

Clyde: When he and I talked about how we were going to do it, before we even went out. It's okay let's take all the newspapers and all the medium that the public use of announcements. Unfortunately the government has bureaucracy that says you can only do it certain ways and they gave us a list of five newspapers in which you can release these. At least we tried getting a press release they said that we the public announcement would be added but, we are fighting over bureaucracy.

John: I just wanted to mention for not really hitting the population with things are really going on. Because there is a high importance to all these things.

Clyde: You don't notify me Unintelligible

John: In your report here after you have done all of the comments for all of the various islands even modify whatever you are going to do. I don't see anything in there that you are going to come back and see if there is any changes.

Clyde: I guess we can. It just happens that in the DLNR procedure, generally, that to get it adopted by the board to be the Departments plan of action it would have to be approved by the board. So the public forum, generally, this document needs to be adopted by the board.

John: It just seems like the people who help the situation now aren't necessarily the ones who adopted to what it is now.

Clyde: I will definitely let you now.

John: That's the issue.

Clyde: We had the hardest time trying to convince our own people to put it on the website. And we delayed a week because of various other priorities that they couldn't get it on the website. You know we are trying our darnest with what we have to work with to provide the information to whomever we can. And also distribute to all the libraries around. And all organization that solicit it.

John: I would basically like to know what you will be doing for all of the islands.

Clyde: What I was looking at because looking at what happened to 1999 in which they went to various parts of the island and looking at the comments and reviewing everything. I almost came with a preconceived notion that we were looking to see if there were things that we may have been omitted somehow or that if were to change some priorities. Because the main things that I wanted to be sure of what I need from the consultants that the priorities that we set up here in the time frames aren't set to the community because if someone has a greater need for it we will try to look at that to see if we can make it a priority. And that was one of the main things that I was looking at. Not necessarily to much subsequent changes. Yes I know we are missing a whole section on program accessibility on how the department staff themselves is going to meet with the public. But what we say on the timeline that I had to work on this is what I needed to get out right now before I work on developing the other portions.

John: Are we going to converse with Accessibility Planning and Consulting?

Bob: I am here to just answer questions, John.

John: Don't you have any ideas.

Bob: I think they have put together a great project for the time they have spent on it. We worked with the original person with the job of the ADA coordinator for the department. I think Clyde and Norman have taken this project by the horns and done a great job of putting it together and funding it and finding the money to pay for it. Basically, it shows in here that hey have the money put away in a tight pocket and they are going to get done by 2005. It is incredible if they are able to do this and not

have to sit around and cut edges. I think they are moving to the program access that you have done early about make this park accessible and they worry about the park that is 2 miles down the road from it. By they haven't taken that attitude they are going to do the best they can with all of the parks.

John: That can be very, very bad from a financial standpoint.

Clyde: What good thing on the park side John, though. That he and I work on the park side so much that by 1997 when you made that first suit. We had a capital improvement budget that we were working on. Unmade known to us that they were incorporating what we put in for the capital improvement budget as part of credits for the ADA. We didn't know that. So, we were going on our merry way they were going on our coat tails. What it didn't effect since he budgets and I build that we looked at him and we were programming and are still programming up to the next 3-5 years capital improvement money to take care of more of these issues. The other agencies, boating and everything have languished from behind.

John: That's interesting because when we were in Stan Levin's office with Jeffery Kato he kept saying that we got the money, we got the money, we got the money and soon as I got back home I faxed Stan. Stan you got to make sure they got the money. So, anyway.

Clyde: That calls the meeting. Everybody sign in.

Eric: Just to comment on Bob's comment in what a great job Clyde is doing. You know that in the short period that I have been a deputy for the department they have done an incredible job.

Clyde: You got a project expert trying to push this thing.

A public meeting was held on Thursday, November 14, 2002 at the Hilo State Office Building from 3:00-5:00 p.m. Those in attendance included Bob Askew, Consultant, Kathryn Mendez, Office Manager, Clyde Hosokawa DLNR ADA Coordinator, Glenn Taguchi and Norman Shiroma, DLNR. No other person representing business or consumers was present. This meeting was closed because no persons from the community were in attendance.

A public meeting was held on Monday, November 18, 2002 at Kalana Pukui in Wailuku, Maui from 3:00-5:00 p.m. Those in attendance included, Clyde Hosokawa DLNR ADA Coordinator, Norman Shiroma, DLNR, Bruce Clark and Kathryn Mendez, Accessibility Planning and Consulting, Inc. Participants from the community included: Norita De Lima and Jean Tesmar Consumer. No other person representing business or consumers was present. The following comments are from this meeting.

Bruce: My name is Bruce Clark. The purpose of the public meeting to afford an opportunity to individuals with disabilities, their families, friends and agencies representing individuals with disabilities to meet with the DLNR staff and to provide comments of the contents of the self evaluation and transition plan. Why don't we open up the meeting. We have with us today two individuals with the community, Maria Delima and Jean Tesmar. Welcome. Well open it up for comments. We are going to tape this meeting, so if its okay we'll just kind of push it towards anyone who is speaking because I don't want to leave anyone out.

Jean: Can you introduce everyone here?

Bruce: Certainly we can. Want don't we go around the room. Norman.

Norman: I am Norman Shiroma from State Parks. I am currently working on the ADA project.

Clyde: I am Clyde Hosokawa, State Parks Department of Land and Natural Resources.

Bruce: And Clyde is also the DLNR's ADA coordinator. My name is Bruce Clark. I am a consultant to the DLNR. The president of Accessibility Planning and Consulting, Inc.

Kathryn: And I am Kathryn Mendez with Accessibility Planning and Consulting.

Bruce: She is an observer.

Jean: And I am Jean Tesmar. I guess I have a question for you Clyde. This is like our third go round with this document and under items 4.2 and 4.3, 4.4, 4.5, 4.6 they do not cover disabilities, non discrimination statements without disabilities in each publication of the venues such as licensing, certification and the responsibility to provide alternative formats, like your handbook.

Clyde: Because of the consent decree brought around in 1997 by John Hartman. And the court basically said for the DLNR to come into compliance by 2005. So we had to approach this transition plan on the basis of priority. The number one priority, which takes the longest, is to correct the physical barriers. So, the document generally reflects the physical barriers which is one of the consent decree items by John Hartman. The items that are for the program accessibility are being worked on right now and will be incorporated into the document.

Jean: Okay, well we see that document before its finalized.

Clyde: Yes, you can because to be finalized on the DLNR's rules it has to be adopted by the Board of Land and Natural Resources.

Jean: Well to finalized under program access it has to be accepted by persons with disabilities. And you are so supposed to be inviting those people to participate and give you feedback and make sure that it is right.

Clyde: Correct. That is what we are doing right now.

Bruce: But if I may a part of the process is having these public meetings and gathering input from the public as well for what we'll call a pre-final plan if you will. We'll incorporate comments from the public, we'll incorporate the policies and procedures which, I don't know if you saw the previous original document, that was published in 1999.

Jean: Yes, I did. It said nothing about program access.

Bruce: Okay, that will be incorporated in the pre-final document and be available for public comment as well, when those are adopted. When everything is finalized it will be presented to the board for official adoption. So this is part of the process of that adoption process.

Jean: Aren't we as taxpayers paying for this rejuvenation of this document over and over again. Instead maybe we should just go to a mainland consultant or resources that know about program access. We would be a little more ahead of the game at this point. Well, I am just asking why don't we use resources that are well known for programmatic access. We knew that the DOE did a ton of work that we can check on and use them as a resource.

Clyde: You can make a comment about that but, we have basically talked with the attorney general as well as the attorneys who have brought the consent decree against the State and they are quite happy about it.

Jean: Okay, well I guess what I am worried about when I am reading the document the program access self evaluation portion of it doesn't, it mostly parrots the law, which I am aware of. But, it doesn't tell how we are going to get from program access to actually integrating it into DLNR's programs and services. I mean how are we going to advertise. It doesn't say well the DLNR is going to announce its advertising of the radio and on the television to make sure we are hitting all persons with disabilities so that they have an equal opportunity to participate in our State government and the DLNR's functions. There is nothing there, it just sort of parrots superficially the law but it is not telling me you incorporated the sections of program access but your not telling us where are the tools for us to actually make it work so that persons with disabilities can participate. Where is the rubber meet the road, that's what I am asking.

Clyde: Why is it being redone? Norman and I are we didn't get involved in this thing basically until February of this last year and we are informed we are to pick this ADA transition plan. The DLNR basically through whatever mean was not doing it into accordance of what the court had in mind. And they needed somebody, which I am basically a project expeditor to move this project and be sure the physical barriers are removed in a timely matter. So, I am a barrier remover basically.

Jean: Got it.

Clyde: The program accessibility, Norman is the planner he's a budget analyst is also working with Bruce here which we did also about two, three months ago we meet with about a hundred different DLNR managers throughout the state, we went to every island, and we went to access them what programs they had and their issues on how to deal with it. We haven't quite digested all the information yet, right which is going to be incorporated into the work that Bruce Clark is doing and trying to develop the program access.

Jean: So, you have a status report on each agency. Where there at as far as accessibility and program access goes.

Bruce: We are in the process of compiling that information now. If you look on page 28 of your self evaluation section 5.0 it address a little bit about what you brought up providing documents in alternative formats and effective communication with the public. One of the action steps that we noted that we are taking is by December 31 of 2002 the DLNR will adopt a policy which clearly identifies the steps, how the public can obtain the services, accessing services and how the DLNR can provide these services. The time frame it's going to take and the funding and so forth. This information will be disseminated to the public at all DLNR facilities, on all DLNR documents and made known on what number to call or who to contact to access a copy of any document that the DLNR puts out in the format that they desire or that it is accessible to them.

Jean: Why is there pricing here?

Bruce: I don't follow you.

Jean: Why is there a pricing for the cassette and each page in Braille.

Bruce: Why is there?

Jean: Yeah, why is there?

Bruce: Well, that is so the DLNR is aware and will incorporate that as far as paying for these alternative formats into their documents.

Jean: Then, why wouldn't we say it costs ten cents a page to make a Xerox copy for the general public. I mean why would we put this out for the public to see that it costs money for Braille.

Bruce: This is a self-evaluation of the DLNR's policies and a recommendation of things that they should incorporate into a policy that they should adopt.

Jean: But you just said that this was going to come out for public.

Clyde: The DLNR right now charges by their rules, 50 cents per photocopy page.

Jean: I mean like if I came to this public hearing, you would charge me for this book.

Clyde: Fifty cents a page if you wanted a copy.

Jean: I didn't get charge for this. But I wouldn't expect anyone else to get charge either.

Clyde: Well this what is in the DLNR's rules. And that is what's allowed to charge for people coming in the office requesting photocopying documents.

Jean: That's if we came to your office. But, this is a public venue where you expect public participation. I mean I'm a constituent, I pay taxes for the State of Hawaii. So, I would assume you would allow me the same opportunities to participate as a normal person as a disabled person. That's why I am saying it throws me to see that you are putting in cost here rather than just telling them where to go to do it. And let them handle their own costs.

Bruce: Okay, this isn't policy.

Jean: Oh, okay.

Bruce: This is the self-evaluation of the DLNR's existing policies. Which they don't have one. What we're outlining here is what we are going to include and incorporate into the policy that is officially adopted of where they can get, how long its going to take and what it's going to cost the DLNR to get those documents. So that they can arrange. See part of the policy has to be that they have to place in house funding. They have to know what is it going to costs for us to determine how to fund this program. So this just tells them who provides it, how long it takes and what it is going to cost the DLNR to provide it. They'll take this information and include it in a policy as part of their policy of when anyone in the public says "I need that in Braille or large print or audio cassette" of what they can expect to pay for it, how long it's going to take and where do you get it. So, it's kind of an outline of what they don't presently have in written policy but what they have to put into written policy and the information they need to write that policy.

Jean: I understand this but, what I see here is, so this policy sits there. You are not telling me that DLNR is going to be... Let's say they have a new brochure, sometimes when you go to websites it says new, will they have a little cassette there at least. An alternative format so someone that walks in from the street says, "Hey what's new with DLNR". "Hey here's a tape". Where blind right. "Here's a tape cassette, do you want to listen". We just happened to have it here on the shelf. It's really cheap to put it together. It's fast, anybody in the office can read the brochure and have it in alternative format available. That's what I am looking for that this becomes a functional integrated policy and procedure so that it's an open door for accessibility.

Bruce: Right. Well first of all, no public entity is required to have the alternative formats sitting on the shelf on hand. They are required to provide them on request.

Jean: That's not true.

Bruce: Yes, it is true.

Jean: No it's not true There are supposed to get every person with a disability an equal opportunity to participate in their programs and services. To come and say come back in two weeks later is not accessible.

Bruce: Well, that's the law.

Jean: The law says, that a public entity is supposed to provide an equal opportunity for persons with disabilities to participate in all their programs and services.

Bruce: You're absolutely correct.

Jean: So if it's up to our State to be a little more aggressive about incorporating some accessibility. You can incorporate cheap accessibility that is usable at least for a blind person or is usable for deaf people, I mean they can read. It's not too bad. But, you can incorporate accessible features right then and there so that they don't have to wait two weeks for their Braille copy to come out. They don't have to tell you 72 hours in advance. I can see it for a meeting. You know where you are allowed to do that by a disclaimer. But, I can't see you do it for things you routinely have opened to the public. To me the demand is to make sure that my government, my County, is providing an equal access for all people with disabilities to participate. They are a taxpayer like I am a taxpayer they should have the same ability to participate.

Bruce: And you are absolutely right and I agree with you. But, simply the law does not require every document to be available in all formats. It would be impossible.

Jean: I agree with that but, you can have, there is a simpler solution if we look at it. What bothers me is that we don't go through the struggle it takes to integrate people with disabilities so that we are not discriminating against them. I mean it is a little bit of a struggle to accommodate a person who asks for a modification to the program which they are validly allowed to do. You are required to accommodate them and make modifications even though it is not in the law. You have to respond to them when they make that special request.

Bruce: That's correct.

Jean: It is not in the law, okay. But they can make that request. So, that is all I am saying is that I'd like to see the policies, the procedures, that we are looking at more open doors that our State is not sitting back waiting for someone to say. Well it's not black and white therefore I am not going to do it. We're supposed to be taking the bull by the horn and providing people who have disabilities, whether it is cognitive, hearing impairment, visual impairment, or if they have a life threatening disease that they still have the same opportunities as the taxpayers who come in and communicate. We are supposed to be trying to aggressively break down the barriers whether it be accessible routes or communication barrier. That's the goal of the Americans with Disabilities Act and the 504 Rehab Act of 1973.

Bruce: I agree with you and you're absolutely right. I think the DLNR through their process of removing barriers and providing written policies to provide goods and services in the most accessible format make the program accessible. They are meeting that requirement and that guideline and the courts agree with that. They are, believe it or not, I have done the transition plans for the Judiciary, the Department of Transportation, the County of Kauai and they have the most aggressive financial spending that I have ever seen in bringing their facilities into compliance with the ADA. As you can see in the back of this document, they've identified everyone of their parks, harbors and hiking trails and all the barriers that they are going to remove and I believe if I am not mistaken in a fairly quickly fashion.

Norman: Right. We are right now in the process of negotiating and hiring 16 consultants to be sure that we can finish this thing in a timely manner. We already have the things in the pot.

Bruce: So, they are really bending over backwards and I agree with you 100% and everything you said was true that they must extend themselves to provide their services in an accessible fashion and they are doing that. It's just that providing all their written documents in all the formats that are required or maybe required is just not required by the ADA. You can imagine the amount of documents the Department of Transportation, the DLNR, the Judiciary would have to provide. I don't think we have enough resources to make that much Braille all at once. It would take years, so the ADA does allow you to have a policy in place. Again, this is why I outlined the timeframe and where we are going to get these documents and what it's going to cost the DLNR so if they can provide a comprehensive policy to provide these things they have no control over how long it takes for even this document to be put in Braille. But yet, we did find someone on the Big Island to reproduce the document in Braille, got several copies, sent them out to people who requested them. But, to keep a copy of this document in Braille at every DLNR facility or every DLNR information booth would be cost prohibitive. It would be almost impossible to do on the per chance that somebody might come by and require it in Braille. Because you've caught all the other formats as well, you've got the tape cassette, you've got video disks, you've got on and on, large print. There just wouldn't be enough room to keep them all in the same, in every format, for somebody per chance, might want to come by and have it. But, that is why the allows or requires it to be provided in a timely fashion. As fast as somebody can make it that specializes in that area. And provide it at a timely fashion at no expense to the member of the public. And, that is what they are going to and that is what they are going to have a policy to do and we will notify the public that these documents are available on request in any format that you desire or you require. But, it would be almost impossible to provide everything all the time in every format. It would be prohibitive, imagine a library having to do that. It just wouldn't be possible.

Jan: I see what you are saying. It's not possible to break barriers down for communication and I mean this meeting, I think if it was aired on the radio and maybe on some cable stations that more people with disabilities would have known about this meeting. Every person that I have spoken to did not know about this meeting because of some very fine print and very bad classified ad. So a blind person isn't going to be able to see it but, they do listen to the radio. What I would like to see is that our state care more for the constituents. I think that is why we have politicians in office. They're there because we trust that they are going care for the constituents they are going to care for people with disabilities. They are going to try and reach out. Personally, the barriers, yes there are problems. The physical barriers are a problem but, to me the fact that communication barriers, to me is so primary and so basic of a function of our State or our County that we got to start with that and look at all venues of communication to make sure that we are reaching out and we are breaking down barriers. So that everyone with a disability can participate.

Bruce: I agree with you and you make a good point as far as the notifications for example in the paper. But, the DLNR like every State agency is under strict guidelines on how they can print something and what format they can use and I believe it is regulated.

Clyde: What happened is wanted to reach wherever we have a DLNR facility. We have even contacted KI04 news medium. They basically gave us the guidelines. They told us to look at the procurement factor in the web page, state government web page. And that's strict guidelines on how to

reach out on Statewide basis. And, bureaucratic as you might think, that's what government said. You follow these rules, these steps.

Jean: You are saying that it's not your agency we should be talking to. We should be talking to general services administration.

Clyde: Yeah, state procurement office. The Department of Accounting and general Services.

Bruce: That process of advertising public meetings and I agree with you could be more. I don't know the legal aspects of it or how it is regulated but, I do know that there are certain restrictions on what you can do and can't do. So, it might be a good idea to contact them to find out why are we limited here.

Jean: Well, that's more than I'm interested in what I am looking in for program access. Your supposed to start with that and look at everything you own and operate and make sure you are doing it in the most accessible fashion you can. You are not necessarily required to change all the facilities but, my guess because of the consent decree you are in a jam. And so know it is costing the taxpayers money. So my next question is, what specifications do you have for construction to make sure that it is being built within the minimum guidelines of the American's with Disabilities Act, is the ramp not going to exceed 8.33%.

Clyde: Well it basically with this one we to talk to

Jean: I mean look at the City & County of Honolulu right now

Clyde: That's why it is costing us more money to basically document everything to do it right then it is actually to do the construction to make it right. And, like we are saying it's to be sure that we have a piece of paper that somebody to go out there and put a sign or design a parking stall. We need someone to actually design it, someone to inspect it and someone to verify that it meets everything, not only what's in the drawing. So, there is three different inspections to verify that whatever is build in the end complies so that it can be signed on.

Jean: So do you have specifications.

Clyde: It is basically the ADAAG and it's the federal government.

Jean: Okay, well I've seen plans when they say less than 1:12 at a ramp and then we go to the ramp and its 1:13.

Clyde: We understand that.

Jean: It's accepted.

Clyde: I have been building parks for 29 years, 9 months before I built facilities for the Federal Government. And, correct we can design everything and on the construction side it may not be done. The contractor has this book allowable deviation of standards. Which puts it beyond on the realm of ADAAG, of disabilities. And, we are trying right now to refine it so that we can tell the designer and

the contractor that instead of designing for 2% we are designing for 1%. If they are doing various other things what to hold it at so that the final product is within the tolerances. That we are doing.

Jean: So you're 8.33% ramp should be at 7%, you're 5% not a ramp should be at 4%. So, it never goes past five, right.

Clyde: We are trying to get tolerances so it hopefully does not exceed. But, we also have various people reviewing the plans. We also have another firm, that's Carter Burgess and that it is also everything goes through DCAB.

Jean: Well I'll tell you the civil engineering firm that we deal with that we see it does very good work if you allow them to follow the ADAAG and its Akanaka and Associates. They are actually excellent in accessibility, they build the tolerances in so that it never exceeds, and they know how to quantify for accessibility. I mean they no accessible route and every inch of an accessible route had to be ADA compliance. You don't put your ruler lever on one spot that's a good one but, ignore all the other bad ones. I mean if its 30% not in compliance it does not comply. If the parking stalls are not fully accessible, that includes a complete access aisle, the full length of the parking stall it does not comply. Because you don't know where they are going to deploy their ramp, where they are going to put their wheelchair ramp. That who it is in the bathroom also, same thing, has to be flat. You can't have a wheelchair go into the door and you can't get off the chair.

Clyde: We were doing some of this trial and error earlier this summer on the tolerances so we basically had four different teams inspect the tolerances. And, it is amusing to know that you have variations by whoever does the inspection. It's training, training, training to be sure of, to make sure it gets done right.

Jean: We have to train the masons and the contractors too. I mean get down on your hand and knees and show them Unintelligible techniques that is really the thing that is going to save them. Because if they figure out the technique they can go as fast as anybody on common sidewalks and curb ramps. Within 95% based on specifications using Unintelligible techniques. So, it is phenomenal, it is do-able. I know of a sidewalk and roadway and a whole shopping center site that is in perfect compliance that Akanaka did.

Clyde: We noticed that even working with concrete it seems to be easier except when the started working with cross slopes. But, when the State uses a lot of AC concrete pavement it gets very difficult.

Jean: AC is very, very tough to deal with. You have to headers, if you want the accessible route you have to use headers.

Clyde: And basically, it was hand sprayed. So, controlling the slopes is very difficult. We are understanding a lot more.

Jean: Tennis courts and airports runways is where you start looking at specs for flattening space because you can't find it in a regular logo construction. Anyway, what I would like to see is that the DNLR come in with specifications at least so we can see so that we're assured that as constituents we're only paying for this warranty. The same amount of concrete is the same amount of Unintelligible we don't want to have it ripped out and then put in again and that's all we're saying is that its ripped out

and then put in again over and over again. I'm glad you guys are being addressed with that because I think you should really look at running slopes too.

Clyde: Like I said, one thing good about DLNR, is we never have, even in the last ten years, so we don't have to tear out too many facilities to be duked we just have to rebuild a lot though.

Jean: Okay.

Public: The only thing I can say is, I would like to see whatever you folks could to do in the future where we can fix and where we can use it and Unintelligible. Oh yeah its acceptable Unintelligible.

Clyde: No we can't. Not by the rules of this transitional plan you can use construction.

Public: I just went to, I just wanted to let you folks also know that, I just went to the DLNR state building, the office, and I can't reach the counter

Clyde: Yeah, we noted it on the circuit and one of the things on the transitional plan is to make that counter acceptable.

Bruce: Good point.

Public: Thank you.

Clyde: Like I said, DLNR is trying to ignore the different ages, that's why we got stepped on pretty bad.

Public: And you know, I also feel that when they're doing it, they should maybe get some disabled individuals, however, to check it out before they inspect it. They'll Unintelligible and when the disabled person goes there it's a different story.

Jean: It should be people with disabilities that you trust because I'm bias between them, and on what is being accepted, I think. You should invite people who are disabled who are knowledgeable on the law to check because they'll have a better range of accessibility problems. Unintelligible You really learn a lot from people who have disabilities, it really opens your eyes to see the problems.

Bruce: Well I think they're all good points and we appreciate the input, that the comments made at the meeting will be incorporated in a final version of this document and it will be available for review, so if you'd like a copy all you have to do is call the ADA coordinator for a copy of that. It will also incorporate the policies that you talked about earlier in the meeting of how, when, what's the procedure for providing these policies, until barriers are removed how are we providing program access to a particular service or goods that the DLNR provides. And I think that it's a good point that you made of paying attention to more detail in the design and construction process and I know for a fact because I've been involved, that the DLNR is in fact, paying tremendous attention to those issues and they're insisting on, as you mentioned, construction tolerances, you know, lets put it at 4% so it doesn't exceed 5%. Lets do a 1% crossover, so it doesn't exceed 2%. We don't want to go over these guidelines, we

want to stay well within in them, in fact the least set we can provide the better, make it more accessible for more people. So, we appreciate your comments and they're very good comments.

Jan: One of the things to, on the website, is that a blind person is actually a chairman in the Committee for Final Aid, you can try the website to find this document Unintelligible.

Clyde: I know we found that out the hard way, when we went to the library for a blind person and its something we're learning on, and hopefully in the future documents we'll put in the right format, but to put for the downloading and everything, we talked to the people who designed these web documents, they wanted it in that format to be downloadable to the majority of the people, so that's the format that they chose unfortunately.

Jan: I guess he called and he found out, just looked at it on the web, because he said why didn't you send it to me in Braille because I only went to the web. First of all, cause he's Unintelligible? And by the time he got all mad, he got on the web and Unintelligible. And even this meeting, so.

Clyde: Even for the Braille, we just got the Braille documents on Friday.

Jan: But I mean it seems like he could've checked the final aid and somebody on that committee, I mean, an open book right now, Intengible format not to use.

Clyde: You know, that's the trouble with – in a sense its good for people like me, since we're not, we don't have preconception notions how a lot of these things are, we can adapt more readily, but when we talk to the people especially when we spark their attention, we should get a different format where the site is not accessible, when they check and they basically reroute. Well we getting feedback that the site is not designed correctly, so I guess, the more feedback we get, the DLNR can adapt and make the changes. Right now they are just following whatever are rules is doing and they think they're doing fairly well, which at times is not quite.

Jean: Don't you have a resource where you can say to that resource, "Hey, give us the information that the DLNR website." Because actually the school pre-downloads it and we can get on the 5OA website, its actually to check your website. Its this little piece of software that is free and you can run it and see how accessible your website is, so your resource knows about resources, accessible resources, you can ? faster and its there, its already done for you, its not like you guys got to really get the wheel in, the resources are there.

Bruce: Yea, that's a very good point, Jean. The disability and communication access board is the agency that's suppose to act as the overall state ADA coordinator and a dissemination of information resource. Now that's while DLNR admit that they have their own department that does their database and their computer Generated items different from the people here. I would think and I would follow up on that to find out, did in fact the D-CAP provide the DLNR and the other state agencies with that information that you just provided us. That should've been made readily available to all the state departments and counties for that matter. That in fact, that downloadable program is available on the 5OA website. I'll find out and I'll ask why was it, why didn't we use it, and if it wasn't, why wasn't it, but that's a good point.

Jean: You don't know about Unintelligible.

Bruce: You just told me the first time I've heard of it.

Jean: Oh alright.

Bruce: ...Of the website.

Jean: Well its been around for a while. Yeah. 5OA has been going to, you know, they went to public hearings and everything. Anyway, okay thank you.

Bruce: Thank you for coming, appreciate it very much. Yeah thank you.

The following is a written document submitted by the Ku'ulei Killiona in regards to the November 21,2002 meeting.

ALOHA!! Bruce..... I am sending this to you because you might be checking your email before the mtg. on Maui. Clyde had mentioned that he wouldn't have a chance to check his email before going to Maui. My comments below pertain only to Maui. My full comments on the entire Draft will be forthcoming. Also, I wanted to let you, Bob and Clyde know that it looks like I will be on Kaua'i for the mtg on Wednesday. I will email my comments before the mtg in hopes that you all will have an oppty to see them beforehand.

Bruce, you had requested my contact info: 808-968-6968 on the big island. My mailing address is: PO Box 791 Mt. View, HI 96771. I would certainly be interested in receiving updates to the draft as well as the final draft. Mahalo for considering my request. (Or should I be addressing this last issue to Clyde?) Anyway, here are my comments on Maui county sites....

I will leave out my general comments at this time but will start with p. A-80 of the Draft.

A-80: Location 1-Parking: Why not switch the pier parking and the employee parking in the amount of accessible stalls? Doesn't the public park more frequently at the pier parking than in the employee parking? **Location 2:** It is unclear if the *existing* restrooms will be made accessible or if *additional* restrooms will be built and they will be accessible. My main concern is that the current restrooms will not be turned into a total of two unisex restrooms, thereby cutting down on the total amount of toilets available, because of the amount of people traffic at Lahaina Harbor. **Location 5:** It mentions Slip 36. Is that the pier designated to be accessible?

Lahaina Harbor

1. Can the employee and public parking locations be switched?

The employee parking area is the controlled parking area for boat tenants. There are no plans to switch the parking areas.

2. Will the restrooms be modified to be unisex accessible and if so will the toilet count be reduced?

Men's and Women's restrooms will be provided. Both restrooms will have one water closet.

3. Will slip 36 be the designated pier?

No.

A-82: Location 2, Harbor Office: Will the buzzer located at the bottom of the stairs be well marked?? Often, I have found that it can take awhile to locate such devices when they are not well marked. Please keep the sight impaired in mind when marking areas. Also, is there any chance of a chair lift being attached to the existing stair railing that leads to the office upstairs for accessibility? By chair lift, I am speaking of a movable chair that can be electronically moved up and down the staircase by its attachment to a hand railing. Another alternative and inexpensive idea would be to place a small table beneath the stairs, or out of the rain but in the location, where a quick informational meeting could take place as opposed to delaying information to a person with impaired mobility who drops by the office and needs a few questions answered. **Location 3, Piers:** Would this pier be available for use if say, the Coast Guard brought in a rescued person who would need an accessible site to be dropped off at, even if other boats were already mooring there? **Location 4, Restrooms:** Would the accessible route it mentions have signage directing persons with disabilities to it from other areas?? There's nothing more irritating than hobbling around in circles on crutches.

Harbor Office

1. Will the buzzer be well marked?

Yes.

2. In lieu of a chairlift, placing a table beneath the stairs to hold a quick meeting would save money.

This will be done.

3. Will Location #3 pier be the accessible pier.?

Yes.

4. Will there be clear directional signage indicating the location of the accessible restrooms?

Yes.

A-84: Location 1, Accessible Route: Why won't there be an accessible ramp between the parking lots when accessible handrails are being provided between the two lots? Could you place a comment in here as to why, or add the reason under COMMENT on A-85?

Accessible Route

1. You are placing accessible handrails so why no accessible ramps between parking lots?

Due to the difference in elevation from the upper to the lower parking lot an accessible ramp would be excessively long, approximately 97 feet long.

A-86: Location 2, Restrooms: Can the features of the accessible restrooms and accessible showers, be indicated on signage at the facility *entrance* so travelers will know it is available?

Restrooms

- 1. Can a sign be placed at the entrance indicating the location of the accessible restrooms?**

Placing an accessible restroom sign at the entrance will be considered.

A-91: Location 5, Leased Space: It is stated here that a letter will be sent to the tenant requesting that accessible features be addressed. Is there any safeguard for the public to ensure that the tenant will comply? And under what timeline? Any follow-up planned by DLNR? I have noticed that such statements are made throughout the Draft wherever there is another party involved. I am concerned that there will be no follow through on whether the changes were made once the Draft has been finalized.

Leased Spaces

- 1. Will letters to tenants and their efforts to comply be monitored by the DLNR?**

DLNR will follow-up on all complaints received from the public.

A-94: Location 2, Shelter at Iao Viewing Area: Only *one* bench? What size length? One okole, two or three okole?? I'm sure this will be a popular place where people will want to rest awhile since it will be the only bench outside of the comfort station. Reading under Location 1, I see that improvements on the trails will be deferred pending approval of the Accessibility Guidelines for Outdoor Developed Areas, but for now, simple observance of traffic flow will show that more benches for resting would be greatly appreciated by all who visit, especially those with walking disabilities. Additionally, signage next to some of the benches indicating priority seating for the elderly and disabled would be of help. AND please, please by all means, add a unisex accessible toilet on the side of the bridge that is away from the comfort station. I can't tell you how many pained faces of elderly I see who are in a rush to get back to the other side of the bridge to reach the comfort station's restroom. Without benches and a conveniently located toilet this site is very difficult for the elderly and persons with disabilities to visit and enjoy.

Location 2, Shelter at Iao Viewing area

- 1. What size will the bench be? To accommodate how many people? Should be more than one.**

Bench will be 12 feet long of which 6 feet will be accessible. The accessible bench will be for 2 persons.

- 2. Can additional benches be added to the trails?**

Additional benches will not be added under this project.

3. Can the seating be designated as priority seating for the disabled?

Yes.

4. Can an additional comfort station be added on the other side of the bridge?

No additional comfort stations will be added under this project.

A-95: General Site Description: Why can't an alternative method of drinking water be provided here and at the other Wayside stops? What about a water catchment system that can be replenished by water truck when there is not enough rain? It certainly would make the three Wayside stops more accommodating and appealing to the people who would like to use these areas and not have to carry in water or worse, discover when they arrived that it had no drinking water.

General

1. Can an alternate source for drinking water be provided?

No alternate source for drinking will be provided under this project.

A-98: Area #2 (cont.) and Area #3, Portable Toilets: How often will the accessible portable toilets be checked for cleanliness and maintenance? (I realize this is an issue that will be under contract with a vendor). If it malfunctions there will be no other alternative in that area. How about signage at both toilets with the vendor's phone number and a word about the nearest accessible toilet outside of the location?

Portable Toilets

1. How often are portable toilets checked for cleanliness or operation?

Toilets serviced two times a week and checked by park maintenance personnel on time available basis.

2. Can the vendor's phone number be displayed on the portable toilets so the public can contact the company if they are not working?

Park personnel contact phone numbers will be posted. Park personnel will contact the vendor for services.

A-99: Location 1- Camping Area: Outdoor Toilet Room: I would like to know in a future draft what modifications will be made so that the plan can be reviewed before the final draft is accepted. *Campsite:* When will the information on the study be provided? This is Maui's only upcountry camping area, therefore it has more importance in being made accessible. Additionally, the State has only two camping areas on Maui noted in this draft. Why can't they both be made totally accessible? (The other area is **Waianapanapa, A102-4**).

Camping outdoor toilets

1. What modifications are being done to these toilets?

The toilet room size is 44-1/2" x 57". Due to its size the toilet room cannot be made totally accessible but will be made accessible to the maximum extent feasible. An accessible landing pad and ramp will be installed at the entry, the door (due to the low roof the maximum height possible is 77", accessible requirement is 80") and hardware, the water closet will be replaced with an accessible water closet and grab bars will be installed.

2. Why can't both camp sites be made accessible?

Due to the terrain and access requirements a study will be conducted on the feasibility of providing an accessible campsite.

A-101: Proposed Improvements-Parking: Since this is such a "popular rest stop" why only one accessible parking stall? ["popular rest stop" is stated earlier on the page under General Site Description]

Parking

1. Due to high occupancy, can two accessible stalls be provided?

There are 18 existing parking stalls. With the installation of the van accessible parking stall the total stalls available will reduce to 16 parking stalls. ADAAG requirement is 1 van accessible parking stall for every 25 parking stalls. Due to the limited amount of stalls available no additional accessible parking stall will be provided.

A-102: The inset map misspells the location name. Add an "a" between the "i" and "n".

Inset Map

1. The name is misspelled on the inset map (add an a, "ian").

The inset map's misspelled word will be corrected.

A-106: general Site Description: What is the elevation? I notice that the other Moloka'i location has an elevation listed. Location 1: Will a hand railing to the lookout be included in the proposed accessible route? Location 2: Despite the mentioned fact that improvements on the trail will be deferred, hand railing along the mountain side extending past the Phallic Rock and down to it would be VERY helpful and would not interfere with the aesthetics of this site. I am suggesting the railing go a short way past the Phallic Rock area because there is a second birthing site located up there. I notice there is no mention of the first birthing site which is clearly seen on the path up to the Phallic Rock. You do know this was a sacred ancient heiau of fertility? Location 4: How many total camping sites are there? I'm just wondering if the amount of camping sites and the one proposed accessible parking stall is an appropriate balance.

General Site

1. What is the elevation?

Approximately 480 feet.

2. Will handrails be added to location #1?

Yes, where slopes are greater than 5%.

3. Can a handrail be added up to and past the Phallic Rock?

Under the transition plan no improvements will be done on the trail and therefore no handrails will be added along this trail.

4. Why isn't the first Birthing Stone mentioned?

The birthing site is located along the trail beyond the Phallic Rock

A-108: Comment: Under this section it does not specify the exact whereabouts of the public service window counter and the office. The reason I inquire is that if the office is on the first floor, perhaps an outside service window can be created to serve the public. It would have a concrete pathway from the accessible parking stall and general parking lot.

Comment

1. Why is there no directional sign indicating the location of the service window, counter and office?

The original survey was not done in accordance to the day to day operation of the office, that is, office entry is restricted to the public and the public is serviced at the service window. Accessible directional signs will be posted directing the public to the service window.

A-109: Comment: Interesting comment made here because I notice that employee facilities were surveyed at **Lahaina Harbor (A-80)**. What if the general public did not use these facilities as first thought and an employee was hired who needed accessibility at this location? Under current conditions they would be barred from working there. Another possible lawsuit.

Comment

1. Why is there not access to the employment areas?

Accessibility for employees is addressed under Title I – Employment. The transition plan addresses Title II – Public Services, Modifications to existing facilities and Alterations. Alterations will be performed upon request of an employee or when a planned alteration is conducted.

A-110: Comment: It is noted here that "no improvements will be done on the trail" but I am wondering if a simple type of railing could be provided that would not desecrate the trail but be helpful to many?

Comment

1. Can a simple railing be added along the trail?

Work on the trail will be addressed upon the finalization of the ADAAG trail guidelines.

A-111: Exactly when are the ADAAG trail guidelines expected?

Guidelines

1. When are the trail guidelines expected to be adopted?

It is not known at this time. The Department of Justice has not issued a time schedule for the implementation of the ADAAG trail guidelines.

A-113: general Site Description: This description isn't complete like the other sites. Can it be rewritten to better describe its location?

Site Description

1. Can the description be expanded?

Yes, the General Site Description will be changed to read as follows: Kanaha Pond is a wildlife sanctuary located in the town of Kahului. The kiosk, provided for viewing of the wildlife, is located off Haleakala Highway between Keolani Place and Hana Highway. A total of 16 parking stalls are provided, of which, two are designated accessible.

A-114: Proposed Improvements: According to the Draft's description, if someone was in a wheelchair, they and their chair would need to be carried by friends, family, or helpers over the 88 steps to reach a possible proposed accessible ramp to the shoreline. Seems if you intend to build an accessible ramp to the shoreline, you are asking for another lawsuit unless you go forth with plans that would cover an access route over the 88 stairs. Or perhaps the plan is to build an access from the parking lot to the shoreline if it is feasible?

Accessible Route

1. Why is the route to the shoreline only partially accessible?

The route from the accessible parking stall to the bottom of the stairs will be made accessible to the maximum extent possible, in accordance to ADAAG requirements for accessible stairways.

2. Can access be provided over the stairs?

Accessible stairs and handrails will be provided.

3. Are you providing access from the parking lot to the shoreline?

Yes, for the accessible stairway. A feasibility study will be conducted to determine the feasibility of providing an accessible ramp. from the van accessible parking stall (located at the top of the cliff) to the entrance into the shoreline management area (located at the bottom of the cliff).

A-115: Top of the Page, Left-hand Corner: "MAUI" needs to be changed to "MOLOKAI". Is there drinking water at this site? If so, is it accessible? There's no mention.

General

1. Change the word Maui to Molokai.

The document will be corrected by replacing "Maui" with "Molokai".

2. Is there drinking water available at this site? If yes, is it accessible?

There is no drinking water at the site.

PAU. Please contact me if I can clarify anything I have written. As stated above, more of my questions and comments will be forthcoming.

ALOHA, Ku'ulei

A public meeting was held on Wednesday, November 20, 2002 at the Lihue Civic Center on Kauai from 4:00-6:00 p.m. Those in attendance included Clyde Hosokawa DLNR ADA Coordinator, Larry Kitamura, DLNR, Bruce Clark and Kathryn Mendez, Accessibility Planning and Consulting, Inc. Participants from the community included: Christina Pilkington, County of Kauai ADA Coordinator, Kuulei Killiona and Flora Rubio Consumer. No other person representing business or consumers was present. The following comments are from this meeting.

Bruce: Its 4:05pm on November 20, 2002, my name is Bruce Clark, and we are now going to open up the public meeting, which is being held for the purpose to afford an opportunity to individuals with disabilities, their families, friends, and agencies representing individuals with disabilities to meet with the DLNR staff and provide comments of the self-evaluation and transition plan. This meeting is being recorded and the contents of the statements made at this meeting will be included in the pre-final draft of the self-evaluation and transition plan. With us today is myself, Bruce Clark, the ADA consultant for the DLNR, Kathryn Mendez from Accessibility Planning & Consulting, Inc. Why don't we go around and introduce ourselves. Larry?

Larry: Larry Kitamura with the Department of Land and Natural Resource.

Clyde: Clyde Hosokawa, ADA coordinator, Department of Land and Natural Resources.

Kuulei: Kuulei Killiona with the public.

Bruce: Okay, Kuulei is here, we're expecting several other individuals, but presently, Kuulei is here and we're going to open up the floor to public comment and Kuulei the microphone is yours. If you have any questions at all please ask, and we'll address them as they are presented.

Kuulei: Thank you. Is there a draft I can look at? Thank you. One of my first questions, and just starting at the very beginning, was, I note, and it is also noted within the document itself, that Carter and Burgess did the first survey and then later on survey, well I'm saying survey. What would be the correct term? They did the first survey of sites, I guess is what I'm trying to say. Would that be correct?

Clyde: No, Accessibility Planning did the survey of sites. Carter and Burgess is an engineering firm to help DLNR evaluated to determine the tap action.

Bruce: The extent of which the results of the survey will be corrected. In other words, they are going to oversee specific areas of construction working with, between the DLNR and the contractors and design professionals, to make sure its done correctly. So they are an engineering firm that is going to be working in that area.

Kuulei: Oh, I see, so even though you have the specs, the ADA specs and so forth, you mainly point out that things like restrooms have to be made accessible, and then they go and do the actual.

Bruce: Well, no, actually we looked at all the sites and facilities, buildings and facilities, and determine and itemized every barrier that was existing that didn't comply with the ADA, with the recommendation on how to remove it. Carter Burgess is the engineering firm that will coordinate the

actual renovation of each building and facility between the DLNR and the design construction consultants, so there will be more hands on

Kuulei: So they are a private firm? Larry must come in for DLNR at this point then.

Larry: What it is, is Accessibility Planning did the original survey report. Once the survey report was completed, then what we did was hire Carter Burgess, as well as working with the DLNR staff to come up and evaluate the recommendation and determine what plan of action will be taken.

Kuulei: So AP&C didn't determine what was going to be done, they just determine, like there is a list in here saying how many sites, the number that they felt needed to be looked at, at each site, and then Carter and Burgess came in, and decided which ones would be worked on?

Larry: In working with the Department of Land and Natural Resources.

Kuulei Okay, okay. I seem to remember that it looked like Carter and Burgess had come in first and then there was a timeline of difference before AP&C came in, so I was wondering why was that, it was like a few years, a considerable length of time, why did things stop?

Clyde: Well like it says, it came because a consent decree that was acted on in 1997, or so. In 1999, DLNR hired AP&C to do some of the surveys and DLNR staff was to try to work out the rest of the document that went to public hearings and everything into December 2000 or December 2001. And that is where it sat and we, see I'm on the development side for DLNR, when I looked at it, at that stage, I determined that DLNR could not afford or a

Kuulei : Feasible

Clyde: Feasible to do all, correct all the deficiencies as noted and to go on a basis of program accessibility versus try to make it a total accessible, I guess, all the offices totally accessible, which we couldn't do.

Kuulei: My concern in raising this question and looking at the differences and dates and so forth, is the sooner the better as far as having the accessibility for these locations, these sites, and so, I was wondering why the start and stop, and one of the things you mentioned was the decree and that it came out in '97, or so?

Clyde: Correct.

Kuulei: So, at that point, the decree did not give a ending date, or it did have the ending date of the 2005. So because the ending date was 2005, there was a little bit of cushion at the beginning then, or you didn't use that cushion, or there is no cushion, you don't look at it as a cushion.

Clyde: We don't have a cushion right now!

Kuulei: Oh no, not right now no because I was just wondering, because there just seems to be a little bit of lag there, and I was just wondering why things, you know, didn't move.

Clyde: Well, like I said, DLNR went on a action, they did not fully complete that action as they originally looked at from the 1997-2001. Then they looked at another way to approach it, that is when they basically asked me, I'm Clyde Hosokawa, to try to get this thing back on track in terms of reducing the physical barriers because that was the major item to figure out, to do it in the timeline.

Kuulei: And that leads me right into my next question, and that was, my receipts is not kicking in. I had it there. It was something you just said. What were we just saying? That you were talking about – Oh, drafts, amount of drafts. How many is this – third, fourth, sixth?

Bruce: Well, as Clyde was explaining, the first go around of the self-evaluation and transition plan included the original surveys that were done back in 1999. The first, we realized after the fact, that the first drafts of the self-evaluation and transition plan in '99, were not comprehensive enough. It didn't spell out the steps that the DLNR were going to take to remove the barriers and or cheap program access.

Kuulei: Oh, okay.

Bruce: So as Clyde said now we are doing a second round of meetings and we revised this entire draft. Larry produced a very comprehensive set of it, including maps in the appendix section. Of all the barriers at each site, and their location and what they're going to do, including a time table and the amount of funding that is going to be expended and a time table of when those time tables are going to be removed. Because the public brought it to our attention that this is all very well and good but when are you going to remove the barriers, we need to see a detailed listing of that. And that is what they brought forth to produce.

Kuulei: So you did that Larry. I was looking at those. Those were very well done.

Larry: Thank you

Kuulei: Very easy to understand and very clear, thank you. That really really helped because I hadn't seen it before

Clyde: I had to bend his arm on that. In other words, I couldn't understand it myself, and my formats I go back, is environmental impact statements and other things. I said that if I can't understand it, I can't explain it to people, so you guys have to make it so that people can understand it.

Kuulei: Okay thanks, that was very very helpful, because it just helped a lot. So my next question regarding the drafts is, after these public hearings are finished, and I believe today is the last one.

Clyde: No, we have O'ahu tomorrow.

Kuulei: So after O'ahu, will the public be presented to any further drafts before a final draft or a final draft before its approved?

Bruce: Okay, the next process after the public meetings, all the testimony provided will be in written format, will be included in the document, the pre-final draft, reviewed by the DLNR and presented for formal adoption by the Land Board. Once that is completed, and again we will have

policies and everything else that have been talked about and addressed. Once that is completed, and again, keep in mind that the self-evaluation and transition plan is a live document, it's a working document, it's subject to change.

Kuulei: Yes, I've heard that speech from you before.

Bruce: Yeah okay.

Kuulei: And I saw it written in there.

Bruce: So when you see the final draft, it will be a public document and if you request a copy, one will be sent to you. If you see anything that you'd like to see changed, all we have to do is address your concerns to Clyde, and he will incorporate it or address it anyway in the adopted transition plan.

Kuulei: Okay, so once the Land Board approves of it, it doesn't mean that everything in there is set in stone.

Bruce: Correct.

Kuulei: Including the money figures? For the improvements?

Clyde: First of all, the Board accepts the document. The money figures are estimates based on the best we have at the time. The proof isn't the putting it in, its after we put it out for bidding, we have hard numbers, or we basic complete the contract. Those are the hard numbers, so we have already going into this coming legislature with 300,000 more that we have identified as a short fall, and we may go in further in the future to make up additional shortage as we identify them. We can't ask them for money since we really haven't even expended the 10 million we have right now.

Kuulei: So you put on an RSP first for the contractor, request for proposals as far as the contractor?

Clyde: No.

Kuulei: How do you decide on who is contracting?

Larry: What we are doing is, we went ahead and started the process of hiring consultants to do the design work, to remove the barriers. So once those contracts are completed, and they complete the drawings, then we'll go out and advertise for bid and for the contractors to do the work.

Kuulei: Okay so the first step you are talking about is more design?

Larry: Yes.

Kuulei: Okay, so what is going to bid is the actual construction work itself.

Larry: Yes.

Kuulei: Okay, okay. Yes and I understand that once the bid is done it's done. Okay.

Clyde: In fact we notice, that a lot of the costs, in fact more costs on doing most of this work, is a small work, is basically to document that we're doing it correctly and it was completed correctly.

Kuulei: Yes, yes, that is why lawyers kill trees. Okay.

Bruce: Did you want to see – I have a copy of your email, I didn't know if you wanted it.

Kuulei: Oh, this is for Maui, and I didn't put any of my – thank you for having that – but it doesn't have any of my comments, like I had a whole bunch of, you know like, the pre-comments and the email I sent you today, which you, I guess might not have seen, is that it said, and what that says is, I'm not including, these type of questions that I'm asking today, and then I go into more details as far as the sights for Kauai. Thank you. And until I get my, let me see, I'm just going to go through the first pages here because I believe that I'm going to just go into the Kauai sites. I did have a question regarding the, I'm looking at page 7,8, and 9. These pages are regarding where to find copies of this document. This is a list that I know I've seen on many type of public notices, but when I have followed up on them, I find they're often not at all of these locations, like Easter Seals of Hawaii, maybe never even heard of it.

Clyde: We have mailed the copies to everyone that is here and we can go to the mailing list.

Kuulei: No, no I just wondered, because before I've checked on things like this and found people to be in the dark, so I just wondered. Okay. Oh, I know, my other questions were, regarding the lawsuit and then the decree which prompted this, I would like to know what the scoops are because it seems to me that you're actually you're complying not only with what the court is asking of you, but perhaps a little more, to ensure further actions in the future. So I was wondering how the lawsuit reads. Does it say just, you know like, or go ahead. Do you know Bruce?

Clyde: Do you have a copy of the lawsuit with you?

Bruce: No, but I do know what it says. What it says, the original lawsuit indicated that as part of the settlement agreement, that the DLNR will have five years from the settlement date and acceptance of the agreement to remove all architectural barriers.

Kuulei: On what site?

Bruce: On all their buildings and facilities, all their sites.

Kuulei: Throughout the state?

Bruce: Throughout the state.

Kuulei: Okay.

Bruce: Which is tremendous.

Kuulei: Yes it is because I noticed this was a narrow search, lets say okay.

Bruce: If you recall, and I don't know if you were involved with the state Department of Transportation litigation, which basically said the same thing, that they had five years from the settlement agreement to remove all their barriers. Well the state Department of Transportation realized halfway through that process, that we're not going to have enough money to do that. Is it acceptable? And they went back to court and it was acceptable to both sides to change the wording to indicate to reach program accessibility in all our buildings facilities and programs. So if we have a two story building and it needs an elevator and we don't have the money, we can relocate the services to the first.

Kuulei: In other words, to narrow the definition that was originally agreed upon in the decree.

Bruce: Right. Now that was the Department of Transportation. And that was the road that the DLNR was thinking until these two gentlemen, Clyde and Larry, came on board. Miraculously, they did work the numbers and the budgets and came up with, I believe, Clyde, sufficient moneys to remove the barriers in that five year time period. So go beyond program access and literally remove all the barriers.

Kuulei: But, still, were, from what I've seen in this report, the barriers are not to every DLNR site in the State of Hawaii. It has been focused, it seems more – Hi Christina.

Bruce: We'll take a five minute recess, thank you. Its ten till 4:30 and we'd also like to, we're joined by Flora Rubio and Christina Pilkington, the ADA coordinator for the County of Kauai. Kuulei, I think you had the floor.

Kuulei: Yeah, I was in the middle of something. I was talking about, okay, I had talked about pages 7-9. On page 10 it talks about grievance procedure, I was wondering what that grievance procedure is, has it been formulated yet, is it some place else, I don't see it here in this draft, and when the grievance procedure is, when it comes together or whatever, will it be posted in a conspicuous place at the locations where persons with disabilities are being served.

Bruce: If you look at the very end, the last couple pages of the document, actually five from the back, you'll see at the bottom, B1 and B2. B1, is in fact, the grievance procedure in reporting format. And page B2, is in fact, the grievance form that somebody would fill out if they have an issue or complaint they wanted to make on a particular site. And after that is Section C, which is the DLNR's notice of non-discrimination.

Kuulei: Okay, I didn't get a chance to look over those, so I have no questions on that.

Bruce: There are standard formats that's used in just about all the wording is standard form from the ADA, so its

Kuulei: Right, I remember having some, when I've seen it before on once, I remember having questions about it or concerns as far as it be made more clearer or what have you, but I won't spend any more time on that, since I want to get to the sites and other stuff. On page 13, self-evaluation process and products, it talks about how physical obstacles were identified and so forth and it talks about how surveys were done and there was input from employees personnel. I'm wondering did these personnel, were they able to give any input from people such as tourists, and snowbirds, the ones who were here

longer, and – what is this, comments from forms filled out for, oh – I put HPV, there's a new name for that but, I think on the plane when visitors are heading back I think there is a place for them to put comments, and the reason I ask about this area of the public that are not residents here, is because state beaches can fall under some of the most used beaches by visitors and from time to time, I see in the newspapers, as I did last week, where a visitor will comment on how they did not have a good vacation because they couldn't reach the beach or beach site or, and when they raised points about it or suggestions or whatever they were treated this way and that. So I'm just wondering if there was any input or will there be any future input from, say the visitors as well as future input from, I guess more of the public identified as one persons with disabilities.

Bruce: Again, we're going, the DLNR has presented these public meetings and provided this document at various locations, not only at public libraries, but at organizations that represent people with disabilities, so that they'll have an opportunity and their clients will have an opportunity to review and comment like yourself. As far as the visitor industry, I do not believe they have been addressed because we have no way to access. In other words, the visitor industry doesn't identify visitors with disabilities, so, or a list that we could access them and ask for their comments. Clyde do you have any

Clyde: We do surveys of selected parks based on, I guess visitor use, and we do note the disabled visitors and how they utilize the facilities. Unfortunately we have not done that for the entire system. We've basically have done it to those areas by Diamond Head or places where we have a lot of visitor use. We've basically have not integrated that into this document at all.

Kuulei: May I make a suggestion? There is a travel agency, their office is based in the Kuwili office of Center for Independent Living on O'ahu, and they particularly cater to persons with disabilities coming here for a vacation. They send them a list of places that are accessible. Also the visitor's bureau receive requests from people who want to know what is accessible to them and some of the letters I've seen in the letters to the editor are people saying, I was told this was accessible, we went there, we couldn't do this, we couldn't do that, and you know, they're angered and so forth. The person who I think would hear the most, I forget the lady's name, but her office is based on Kuwili Street in the same location as the Center for Independent Living office.

Bruce: I note on page nine of the document that the Hawaii Centers for Independent Living is one of the agencies that had been providing copies of this document and I think what you're suggesting is a good idea, and perhaps maybe they could be reminded of that, that they should disseminate this and make it available to visitors that they come in contact with that want to use the state parks and harbors and so forth.

Kuulei: This particular travel agency is independent of Center for Independent Living, but their office is located in the same building, the same building area as them and her office is either rented from within the CIL office or its right next store to it, but it is independent small business type person.

Bruce: I think the point that you make is good and perhaps we could have some function from the state, perhaps the D-CAB could notify the Hawaii Visitor's Bureau and all its island offices that these documents are available to request a copy and have it available in their office for reference for visitors with disabilities that might call. So, perhaps the D-CAB could coordinate an effort like that.

Christina: They should have an accessibility guide for visitors.

Kuulei: Yeah, but visitors complaining that the information they've received is incorrect. Things aren't meeting standards, or maybe they're accessible for persons with disabilities who use a cane, but not a seeing eye animal, you know that kind of stuff.

Christina: And I don't think it is geared towards parks, I think its more transportation and you know, I've always wanted to, I don't know how to address it.

Bruce: Look, first I want to say, Christina Pilkington sits on the Board, the Disabilities and Communication Access Board, and I like her thoughts on presenting that idea to the D-CAB.

Kuulei: What I wanted to comment on your comment was that you said they could be provided with this. I think if they were presented with this, they'd say, "Oh, something for the shelf." And I would rather suggest that a list of the different locations and the fact that it has, and maybe it could go across like some of Larry's wonderful charts. You look down for the location name, you go across and it has the stars, you know the bathroom facility, waters, yes, no, that kind of thing, where they, its an easy reference type of chart. And that I think would be more appeasable to them and if they have any further questions, then they call Clyde or whomever else.

Clyde: What she is intending is, I see it in another case, where basically the departments list their public facilities and overall maps and then they might have small little write ups of what is provided at each of those locations.

Christina: Kauai has one for the beaches, which I'm sure you guys give out as well, in the office where the camping is.

Clyde: The trouble on this, and we know it, on the second part, when we do this program accessibility things, because we have a committee basically DLNR that does this public information brochures that she's basically talking about, what is provided to the public. It is something that we're trying to get them involved, right now they're sitting back, waiting to see how we come up, we're just even trying to get them to revise their website. It is very difficult because, as by the book, they are saying its accessible, but by various different people its very difficult. So, it's a learning experience.

Kuulei: The website or the site. I think you meant the site, right?

Clyde: The website

Christina: Because where the state and county agencies, we're required also under 508 of the rehab act to have our computer websites accessible to.

Kuulei: Oh, I see what you're saying that type of accessible or accessibility. Okay.

Clyde: And that's where they show, you know, the various programs and activities allowed under whatever agencies.

Kuulei: I see.

Christina: So a person had accessed that site, and find out which parks are more accessible than other parks, but if they can't access the site because of their disability because the websites, lets say they are blind, and the website isn't accessible to people who are blind, then what good is it. So it is interesting.

Kuulei: Moving to page fifteen, it mentions the different contact names for the different divisions and I'm wondering with the new governor, will contact names and so forth change so that we're all just lost again.

Clyde: Well the, the first one for Lanell Nishioka, she's an appointed physician. The deputies and department heads are, the rest are civil service, and they may retire or they may shift, so right now they're basically civil service.

Kuulei: Okay, except for Lanell because she's an appointment?

Clyde: She's appointed.

Kuulei: That's an appointment, okay. That is what I was wanting to know. How much are we looking at that is still going to be there tomorrow. For Kaho'olawe island, on the next page, sixteen, it says here that the public is not allowed access to the island. Because the public is not allowed access to the island, you are saying, no need do anything? Because I've been invited to the island many times, but I've had to decline, because I know that there isn't, there isn't anything, there is nothing there. I mean as far as accessibility of anything. I do know they have toilets there, and they might be pit toilets, compost toilets, but if I knew that it was something I could maneuver, I would go and I really want to go, so I'm wondering what is what, excuse me, you go ahead.

Clyde: When we talked to the coordinator, basically, yes the facilities on the island may be Navy and may be primitive, but the access to the island is handled basically by private organization by, and I guess the reservations or how its handled for access is handled through that group. It is not handled through the state except that by the agreement to allow practitioners to go to the island. The venue is through DLNR.

Kuulei: Right, and I'm a practitioner, so how can I get over there. I mean how can I go there, and enjoy, you know, practice, if things aren't accessible to me.

Clyde: Like I said, when we talked to this lady, she didn't even know that her program really had to be accessible. So its different from the 1999 one. We included her because it says it is a program offered by DLNR and were trying, I guess trying to evaluate it further.

Kuulei: So there will be further evaluation out here? I can write that down and quote you? Thank you very much. Okay, on page seventeen, division of aquatic resources, the first paragraph, it talks about aquatic resources and talks about, the last line, and control aquatic activities for equitable location. My question on there is, is this statement saying that every pool has a chairlift and accessible showers?

Clyde: Aquatic resources does not manage any swimming programs. Aquatic resources is fishing.

Kuulei: Okay, thank you. On page twenty, BOC, Bureau of Conveyances, the last sentence says, "This program provides counter service accessible by the public." Now is DAAGS or DLNR responsible for the building itself, because my question has to do with the area where the blind vendor is.

Clyde: The state office buildings on all islands are on the DAAGS.

Kuulei: Okay, well that will answer that then. On page twenty-three, it talks about the land division. It says, "Provides for the planning management and development of public lands and water resources. This program maintains state-wide offices. These offices are located in DAAGS leased buildings and are accessible by the public." So, the offices, themselves, are accessible to the public. And my question here was, but what about the materials available to the public? And I believe, that now that I look back at that question, that is addressed throughout the report, thank you. And my questions remain the same on page twenty-four, in the last paragraph, second line, "The offices which provide permits and other literature are located so forth and that's where I'm asking about alternative accessible, accessible alternative forms of literature. And I guess also what I want to ask at this point, was kind of touched on earlier, and that is, you mentioned in there that in meeting with the different departments, I gather from the way it was written that it was your company that met with them. And you gave them all the deadline of December 31, 2005?"

Clyde: 2004, basically the consent decrees in February or March of 2005.

Kuulei: Okay, my concern then, is because the final draft will be done by then, and it is so close to the very end, having that long, all that time all the way up to there, and then only two months left, how can the public be assured, how can we know that things are happening up until then and that things have taken place, other than going up to the counter saying, "I need this particular document in a particular accessible form," and someone says, "Huh?" How can we be made aware that, hey, you can go into this office now, and they understand your language. They understand what you are needing. When will that kind of information get out?

Bruce: Good question. And that has to do with effective communications. Which is addressed in this document, starting on page 28, which outlines the requirements for providing documents in affective communications and documents in alternate formats upon request. Again, we reviewed their existing policies, found them lacking, and the action step is that the DLNR will adopt a policy by December 31, of this year, which will be included in the final transition plan, outlining the procedures for when anybody asks for any document in any format, how they are going to provide it.

Kuulei: Okay, yeah I see the date here. Yeah thank you. For some reason I was thinking that December 31, was further on.

Flora: If I could interrupt for a second, DLNR has worked with the Disability and Communication Access Board, has it not?

Christina: Yes.

Flora: Don't you guys understate the ADA coordinator, had some correspondence with..

Bruce: No

Kuulei: That first draft you showed me, it has their input in it.

Clyde: They participated on the first go around.

Christina: Well what I'm getting at, is that they have a program service manual that should be available to you folks at a state level, in any division or department, and in that program service manual is a section on effective communication and how you would get that, how you would handle a request for an auxiliary aids if someone wanted something in Braille or how you would handle getting an interpreter if someone requested to have an interpreter at this meeting, right here lets say.

Clyde: Up through, I guess, September, all of that, what you're saying, the program, the manuals, the interface, was handled by the personnel officer, Mel Young, and his staff of the Department of Land and Natural Resources. I've got to point it, as the ADA coordinator, subsequent to that, because I've been rushing to get the physical barriers and to get this process to get the transition plan out, I haven't had the time to go back and look at those things.

Christina: Just so you know though, its available to you and you should be able to get that to any DLNR office anywhere. So they can just look it up and say, "Oh gosh, how do we put this document in Braille?" and turn to that page and do it. It is my understanding that the Disability and Communication Access Board is in fact the ADA coordinator for the entire state. That is what I was told, and so they should have that information available to you upon your requests. So if you said, "I want ten program service manuals that tell me how to do that.

Bruce: And that's correct Christina, and this is Bruce Clark speaking. The, not problem with it, but to finalize something like that, well that is a general statement on where you get it, how much it costs, how long does it take. The DLNR has to adopt one that also has the perimeters of how do we pay for it? Because they are kind of a unique organization, boating is separate from forestry, so on and so forth, the Kaho'olawe issues are separate from everybody. Therefore, they have to come up with this policy on how each division is going to fund these examples.

Christina: But wouldn't it be through purchase order?

Clyde: It would, but each, and this is where we can semantic again. Each government program, not program in terms of ADA, has its own budgeting. So it is very, so each, like the Kaho'olawe or parks, or boating, or conveyances, or whatever the entities is identified, they have their own resources.

Bruce: So there is no one central place to submit a work order to pay for it because it is all internal.

Christina: Well in this, it has examples of how you would write up a purchase order or how you would bill someone, so on and so forth, and who you can bill for services, which I think you would just adapt to.

Clyde: So the divisions would have to be able to do that.

Christina: Yes, and then from there, after they do a few, they'll kind of figure out how much to budget for, you know subsequently, once they go through the process. Like we said before, it is such a learning process, every piece of it is. It is like, once you've done it once, you are that much closer to knowing how to do it again. And it is a matter of really physically going through that. I don't think we can ask anybody, "Gee, how are you going to handle auxiliary aids and have a blanket statement." Although they could be provided a blanket statement in that program service manual should they want to look it up. It will be, once they go through it.

Clyde: I guess like an agency, the crutch would be whoever the ADA coordinator is, that's the immediate, easiest person to handle it.

Christina: Right, and it will come to a point where you can't handle it all. You will want each division or each program to handle their own because you, of course, won't have the time. Once people learn that an area is accessible within no time at all, more people are accessing it. And that is pretty much how it works.

Bruce: And that is a good point, and part of the process of finalizing this document, is to go around and do some frontline staff training on that procedure, once it is developed. So bill everybody in each office, in each department, in each program will understand what they have to provide, how to provide it, and where to find that information.

Christina: And you know what I did? I had D-CAB come over here and do the training and I changed their manual to read for County of Kauai, but that is how we did it, so every frontline person and every department head was trained on what to do in these very similar, we have all the same functions within the county.

Larry: I think what you're looking at is that the state does have a general policy, in regard to what you are talking about. And it covers all of those items, but we are finding out that because DLNR is the way it is setup with all the different divisions, that we are finding out that we are going to have to go down to a lower level to give them, and in some cases, not only for the communication portion and so forth, what is spelled out in D-CAB, but also in regard to the funding. How do we fund this item? So basically we are looking at whether it is each division that is going to function it or it will come under the department and it will be one funding, where people need access to do writing in Braille, then they have a route of access for funding to do it. Because the state is so large, and you appropriate this type of funding to each of the division, the total amount will be horrendous, and so we are trying to work that out right now and we are trying to figure out which would be the most appropriate way of doing it, this type of situation. We are also looking at scenarios where we do have a request to do improvements to a site that would make it more accessible. Now, how do we handle that process in regards to funding also? You know, not only being capable of responding. I think, basically, what we are trying to eliminate, what I would call pressing the box situation, where he says, I'm going to ask money from legislators. If the Legislature gives us money then we are going to do it, type of scenario, because some of this could be handled under repair maintenance budget. So this is the type of scenario where we are trying to gear it more to those particular divisions, instead of going with the general policy. We do have the general policy for the state and we do include all of these things, but we are finding out that we have to go down to, more in the division level, in trying to make it really workable for the division.

Clyde: At DLNR, with forestry, what they have done, is that each island district almost runs autonomist again to. So you have autonomist units on top autonomist units. You know, its hard.

Christina: It sound like what we did too. And that is why when we did the training, we did it with the line people, and its like we almost said, we want the lowest paid person on your staff and the highest paid person on your staff to come to this training because that is the only way we can do it to make it work for everybody to understand. And the budget team, program access, when we didn't have something in our transition plan scheduled till 2005, and an access issue came up at a park in 2002, how are we going to make that immediately accessible for this individual. Things like that, we did, we have a pot now budgeted, that is used discretionally by the ADA coordinator, just to pull out for those things you can't bank on. On divisions, to appropriate "x" amount of dollars to every division and department seemed to much to soon, for everybody to fathom, so they kind of gave the ADA coordinators position a lump that could cover things quickly, and that would come up, you know, so. It is hard to guesstimate what you might need, funding for too.

Larry: To clear up some of the stuff, what we are doing right now, is basically Accessibility Planning did the assessments of all the facilities, and any facility that we missed, we are going back and assessing, also doing a survey report. So that all the facilities, within under the jurisdiction of DLNR is being surveyed.

Christina: Statewide?

Larry: Yes, statewide. That is the approach we are taking. Okay now, once we do the assessment of all the facilities, what we do is we go through item of item of each of those sequence numbers that is listed under the survey, and evaluate, what I call, a plan of action that we are going to take. In other words, if something is non-compliant, then there is a barrier, we say what are we going to do with the barrier? We are going to fix it. How are we going to fix it? Okay so then, we take it one step further and say, okay, if we are going to do this, how much is it going to cost? What is the estimated cost? And from there, we have the total picture of a guesstimate, I would call it guesstimate instead of estimate because some of the stuff may be off, of how much it will cost DLNR to eliminate, to the maximum extent possible, all of the barriers that have been identified under the survey. And then from there we take it one step further, and said okay, how much it will take in consultant services to do this work, so that the can come up with the design package. And on certain projects we, in house staff, are doing certain projects within certain sites, within that survey reports, that will be designing in house also. So, what we did was, we came up with a budget on that and then from there, we, like Clyde will say, we're 300,000 short fall, so we are requesting the 300,000 under this upcoming budget. Now within our budget, itself, we have also included the costs to what we are calling the programming side, so we have the one side, which is the construction side, which is the removal of the barriers, and then we have the other section side which is what we call the programming side. Under the programming side, what we will be looking at is basically going down to all of the areas that offer services to the public, and making an evaluation providing training for the frontline personnel, and then, from there, what is going to happen is that on the barrier removal side, after we move the barriers, Carter Burgess, it will be hard, to go in to verify that all of these barriers have been removed. Now, we are not only stopping at that point because the original survey may have missed something, which we are hiring Accessible Planning again, to go back to sites we have fixed and do a program accessibility study to assure that accessibility is provided because we may have missed something within that area, and at the same time, that is where Accessible

Planning will also go to the frontline personnel and basically quiz them in regard to assuring that they fully understand the requirements that we have under the general policy.

Clyde: Only one thing more to add to that is that we also have to try to make our maintenance people aware that all these facilities, improvements, that we do put in, that they have to maintain it in kind. They cannot basically put anything they want into these facilities anymore.

Larry: An expansion upon that, what we are also doing is that basically we recognize that the consultants are not well aware of ADA type of designing, the ADAAG regulations, so what we did, we already did the first step of already going through and making them understand the first training that we had with the consultants. Which basically all the consultants are going to be working with us, we brought them in and had a training class. We are also going to be providing an additional training class.

Christina: You mean design consultants?

Clyde: Yes.

Larry: Design consultants.

Clyde: All sixteen of them.

Larry: All sixteen. And we are also providing a training class which Accessible Planning will be providing, which gives out the design criteria that they have to follow. Okay, we will piggy back also onto Accessible Planning, which we will be giving a section of the class, which basically will be covering with saying, okay these are the things that we want to see. We will give them what type kind of closet is accessible, what type of urinal is accessible, what type of grab bar is acceptable, why type of covering under the lavatory is accessible, what type of lavatory is accessible, what type of faucet is accessible. Every amenity or any item that you find within the bathroom itself will be providing, and will be coming out of this book, which is providing them this information. We'll also provide them acceptable signs for parking, for accessible aisles, for accessible route signs. We are also going to be telling them location, the height that has to be stalled in. So all of this data, and we'll give them a sample drawing of also a restroom, what to be considered the dimensions and working it. And we'll also be looking at parking areas, that the parking areas in itself we recognize that the design for it, what I would call the construction tolerance on the specification. If you apply that to ADA stuff, under the present design criteria, even though you design it for compliance, on the construction tolerance, you will not meet the requirement, so therefore, we also, the training of the consultant, we are telling them on certain cases, parking area, 1% slope maximum meets the direction. That is what you design for. Cross slope instead of 2% you design only for 1% cross slope. So we're looking at these things, we are even looking at ramps. Ramp is counts for 8.33, you will not design anything for more than 7.83, we are giving you 1/2% deviation on that. Even on a 5% slope line, we are not saying that you can design for 5%, we saying, no, you are going to have to design, the maximum your design has to show us is 4 1/2%.

Christina: Can you include the county on your training?

Clyde: You can.

Larry: Anyway, these are the things we are trying to bill.

Clyde: He's been trying the last year, he's been on my back on trying to make some of these facilities, and trial and error, we're learning.

Christina: Super, it sounds like you, I mean if you do that, you're covered.

Bruce: They really are, they're on top of it.

Christina: I wish I could get our price, train all our consultants, that is just smart.

Clyde: We had to do it because it's the only way we could apprise them that first of all, this is not new construction. Second of all, that we want to make sure that you keep the cost down instead of brainstorming to much.

Larry: Where Ruth was talking about, in relationship to Carter Burgess, in regard to inspection side, because on the inspection side you have to really train the contractors in regard to how to build things within the ADA portion, because it falls on a different category in itself.

Clyde: We don't have enough state inspectors to run around the whole state and do it.

Christina: We don't have specs to ADAAG, we have our Unintelligible

Larry: We are finding out that from the top to the bottom of the design process all of these people would have to be trained, from the designer, to the inspector to the contractor. And the final product is that after we finish with this transition plan, we're hoping that we do have educated people in each of these three categories for future projects with DLNR. This is the ultimate, what we are looking at.

Bruce: Okay why don't we take a three minute break, Kuulei will be back in a few minutes, she took a restroom break, we'll take a three minute break. Section and Kuulei why don't you

Kuulei: Excuse the delay, the accessible restrooms nearby are locked, I had to walk down to the supermarket and climb a flight of stairs to go to the bathroom.

Christina: They aren't suppose to let the public use that bathroom because its not a Unintelligible

Kuulei: Yeah, well when there is no restroom over here.

Christina: You should've come and told me, I would've let you in Unintelligible Okay sorry.

Bruce: They don't keep these restrooms open when there is a meeting?

Kuulei: You would think they would, especially when there is a meeting with persons with disabilities.

Christina: Who knows, the person who gives out the keys

Kuulei: This is not the first time.

Clyde: Should give the keys to the bathroom.

Christina: Yeah.

Bruce: Yeah, I didn't know that. I apologize I wasn't aware of that.

Kuulei: My blood is pumping. Coming back to where I left off, I wanted to make a couple of comments on the comments that were made, one by Christina and one by Larry. The first discussion that was brought up had to do with program availability, accessibility. And my concern in having a system that, what I first heard, meaning, discussed here, was that by having, say a central location, where documents are requested in such a form, there is this delay of services. And you are not, so there is not any quality as far as services, that could get the state in trouble in the future. At the same time, I understand the cost of having everything available at every program location but I think we can look at that challenge and be able to come up with ways to satisfy the people 80%-90% of the time. And that is (end of side A). That has the different signage's with the alphabets underneath it for the person at the counter to be able to just pull it out and be able to help with a few words, draw a few pictures, and because it is kind of like talking to a Japanese tourist. You know, you get it across, there is not a delay of a week, a day, whatever for the program that the person is trying to find out about because perhaps they are at the program's site, or they are on their way to the program's site, they plan to go to the beach that day or they just got a camping permit or the camping permit office is next door, what is available, we got to get our reservation in. So I think if you had inexpensive device, sort to speak, such as this like a placard, a plastic thing, has that, and then maybe something in Braille that, like I was talking to you about the different locations and it says what they have available and so forth. I guess there could be a general one, but then at each department, for just the little they have, it is kind of like, I think would be almost like the cost or the idea of an extra signage on the door. You have this one plastic disk that is maybe 8 ½ " by 11 " or larger, where again, they can stroll, run their finger down there, be able to find the beach, the whatever location, run their finger across the line, be able to connect that it has this or it has that. Simple things that don't take a lot of space up in the department itself, things that would pretty much address what everyone comes up to the counter and needs information for regarding the program. Something more in depth, like say this, when I say this, I'm referring to this 250 page report. Of course, that would take some time. And of course, people, I believe would be understanding. So that you don't have this lag of service time, and possibility of future lawsuits, and I have a feeling that the persons or the person who brought this lawsuit forward, and other lawsuits that have to do with accessibility, they, their frustration probably came in to a large extent. And, being told, go here, go there, we don't have that, and so forth, but if they are presented, I found, people, if they're presented with the helpfulness of somebody, the concern and what we have something for you, and we can give you this much, and let me call this other number, that say the person at the service counter or the first line in the program might available to them, where the person across the counter, they can be talking to someone across the phone, the person across the counter can either be handed the phone, to ask the questions directly to someone who knows, who is in the know, or there is a three way communication between the two. I think that would satisfy a lot of the requirements before having to ever look at something so expensive that it is over burdensome to the department. The next point I want to make is that Christina had brought up about the Accessibility Board, what is the full, what is the real name?

Christina: Disability and Communication Access Board.

Kuulei: Yeah, I always know it by the one before so yeah. And there commission and point is to, as far as the communication between persons with disabilities and their points of service. And they did do that catalog for that, yeah, the service manual. Now something as I understand it, and help me out here if I'm incorrect, but they are working, on, unless they just recently completed a service manual for agencies to be able to understand how to work with persons with mental type disabilities because that can also be a problem when someone is coming, and we're not just talking sight impaired, or, you know, you also can be dealing with persons with mental disabilities, might have a much shorter time fuse, and attention span, as far as being able to take in the information that is being relayed to them. Maybe they need something very simple, no more than two lines, but there is more information that needs to get to them. So, how do you get it to them? If it is a person who is not seeing impaired, at least if there is a fact sheet, say, they can be handed to this person, and they can also be handed to the general public, they would have that in hand so that they can see it at a glance and then be reminded again, should they have mental disabilities which cause them inability to retain the memory or even communicate. Some persons with mental disabilities, because of the medications they are on, or their particular type of disabilities, they have speech impediments that are difficult for, and one is also a physical disabilities, have speech impediments that are very difficult for people to understand, who have not been around that type of voice before. You talked about the frontline, I think it was you, Bruce. And how they would be reporting to you.

Larry: I think Larry was talking about that.

Kuulei: Oh Larry was, okay. My comment on the frontline is when other types of lawsuits and decrees is come forth, the frontline can sometimes be afraid to report what is going on because it could make them look bad or you know, like, yeah I wrestled with this person. I'm wondering if there is some kind of way that is not so adversary to be able to get them to report what is going on, maybe even in an anonymous way, like oh I had this person and they had disabilities and they screamed and yelled at me, finally I got so angry, I walked away, something like that. At the same time, you can have some type of procedure for someone who has a complaint with a disability, to be able to just fill out a form right there so they can just get their aggressions out. I know you have the procedure and they can do this and that, but that is going to add to their feeling of aggression and frustration and so forth. I'm wondering if, at the points of service, they might be able to just put something down and be given a phone number on top of the page where they get a copy of it. Something so that they know they've been heard, because that seems to be a strong successful way to kind of turn off the fuse.

Christina: Do you mean on the grievance procedure and complaint form in the back?

Kuulei: I talked about that and there is the procedure and so forth, and the person can be made aware of that, but sometimes if you can, well perhaps, they can be given that procedure right at each point. Right now, it is not at the top of my head.

Christina: There is a name and phone number and usually.

Kuulei: But no, what I'm saying, Christina, is that I have seen this over and over again, where if people with disabilities, who are frustrated with an agency, had just some way of being able to voice that frustration to someone or its going somewhere where they felt it was going to be heard, rather than, okay I got to go home and write this up, and fax it and so forth, that hey, you have this full procedure, but if

you'd like you can also fill out this form, and we'll forward it on to this person. Because, a lot of the times, the complaint will stop right there and they won't go through the whole full process, where you are taking time, energy, money, steps, and all that, and what you will have is the information that the person wanted to get across. Hey, I couldn't get this that I needed at this point. And then, you are taking care of it five minutes one day as oppose to three years, a lawsuit, so on and so forth.

Bruce: Yeah, that is a very good point you make, in fact, part of the training we are going to have these grievance formats and forms and outlines at every office. In fact, if we look on page C1, the notice of non-discrimination by the DLNR indicates that the questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to state applied DLNR designated ADA complaints coordinator with his name, address, and phone number. Before, and how we do this training, we also indicate to people that the ideal solution is to resolve it at that level. Only when it is such an issue that it cannot be resolved, should it be bumped upstairs, and eventually to the ADA coordinator, but by all means, and I agree with you with the training, it will include resolving those issues at that level and having a form available to filling it out, detailed information. If you cannot resolve it, you take that form and forward it to the ADA coordinator and let the person know that the ADA coordinator will get a hold of him and maybe it would acquire a higher level of authority to give the person what they need and they couldn't do it at that local office. Certainly, I agree with you, it should be resolved at that level, if at all possible, and at that moment.

Christina: I say, I always tell people, if you have anybody who you feel is upset and you can't deal with, please send them to me before you get them any more upset or before they get any more upset and just taking a complaint process. I think most complaints are nipped in the bud, and most people are sensitive to other people. If they have a qualified disability or if not, usually when you're, anybody who has taken a complaint from someone, it is usually someone who, you know, I don't know why

Kuulei: I really feel that is more in a perfect world, I feel that people do have good hearts, but work on say, the other side of the counter, or in the program. One of the things you mentioned was, if the person has a qualified disability. Okay. There are signs and disabilities, like mine, you can't see it. And there are persons with mental disabilities, you can't see it, another silent type one. Okay.

Christina: Then it would be a qualifying disability.

Kuulei: No, excuse me, let me finish please. I'm saying the person on the other side of the counter is unfamiliar with things, and the person who has the disability does not have the job to say, "This is what my disability is. It falls under the ADA because of this." Okay. The person, what we're all talking about here, is service, and looking at service, my suggestion is this form be given to the person and told that the twenty blank lines that they got to fill out will be forwarded to the supervisor of their department or whoever is designated in that department and the person at the counter can write on there, who it is, so that person knows and the phone number of that department, make a copy of it, give it back to that person with this paper, and say, "If you feel that we don't handle this correctly along the way, you always have the right to pursue this." And then on there it will say that so and so supervisor, or whatever, just a general form, says they will get back to you within ten working days, five working days, whatever it is. And then, that department head just fill in who it is in their department that will handle it and the phone number.

Christina: What I've required from all of our divisions, that all of our divisions have a complaint mechanism very similar to this. And that they offer to fill those out for the person right then and there, you don't know if a person can read or write, and if a person is agitated, you certainly don't want to be put in a position

Kuulei: Well they can be given the option and that is a good point you make, because some people there so worked up they don't want to have anything more to do with that person there, so you, I think to give them that option to, we have a table over here, you can sit down and write it, I can have someone else, because if that person offers to help them and they've already frustrated them, you're asking for trouble.

Christina: You could say, could I or somebody else help you fill out this form?

Kuulei: Right, but most likely they would want somebody else, if, let's say there is just a personality thing going on. They're reminded of their mother, I don't know you know, so you know, I or someone else, okay, then another person come in. To be able to alleviate that stuff right there or if they just have this in their hand to walk out with, along with the supervisor or whoever in that department and that form, they may send it in or decide later on to just turn it in and keep it at that level at that point. A lot of people are just satisfied with the fact that, hey, I got myself said, I can't go any further, I don't have the time, I don't have the means, I just want them to know how I feel or what happened to me. Basically, that is a lot of what people want, they don't want to have to take the time to go through a whole procedure, those are the very few.

Christina: Yeah, right. Are these not available, would they not be available everywhere?

Bruce: Everywhere, every program will have the procedure and the format filled out. And you make a good point, Kuulei, and part of the training that I institute is to the frontline staff, especially, is to never say no. If you don't know what is needed or how to get it, go to your supervisor but don't ever say, "No we don't do that," don't ever say that.

Christina: And always ask the person what do you need? And how can I help you? What kind of format do you want this in? Do you want me to write it for you?

Kuulei: You got to be careful of wordage to, like format. Because a lot of people aren't smart with the terms of the ADA, so sometimes you have to give examples because that will also frustrate people, when you talk about words, it's over their head, and they don't want you to, it's like are you trying to make me look dumb? They don't want to say that, or maybe they will say that and they'll just frustrate them more. So, the type of, you don't want to talk down to a person, at the same time you don't want to talk over their head using terms that, like a lot of times I go to places and they are using their in-house terms. They ask me ".....," and I'm thinking, what are they talking about? And you feel like you have to make a choice and guess.

Christina: Like DLNR?

Kuulei: Oh yeah, well, what is DLNR? Yeah. But I mean like the things like format, and so forth. That can be, yeah, auxiliary aid, yeah, you know, so a lot of times if you give them options, especially first off what they have behind the counter. Often, people who have silent disabilities don't like to be

questioned a lot, and yet it is those types of disabilities that aren't as clear as, oh I see you have a cast on, oh I see you have a service animal with you. So, it entails these different areas, I just wanted to bring that out. If there's not any other comments, I wanted to go to page, start on the Kauai sites at page A46. The first location is the Port Alan Small Boat Harbor. It is my understanding that Port Alan is used for mainly tourist industry at this point. Do you want me to address that to Larry?

Bruce: Would you please because their functioning, they know the functioning.

Kuulei: Oh, okay. Is that correct, Larry, so far? We have the tour vessels out there, the helicopters, okay.

Larry: We are not addressing

Kuulei: Helicopters don't leave from that particular location?

Clyde: Not from the boating facility.

Larry: Not from the facility.

Kuulei: Okay, I thought there was, okay, maybe down that driveway there is also a helicopter, something? For the island projection, as far as further development of ports and harbors and so forth, Port Alan has been looked at as one that they want to expand, and be able to bring larger vessels so that the can

Clyde: Wait a minute, we are only doing with recreational boating under boating, not the commercial boating facilities at all, that is DOT.

Kuulei: Okay, okay, I guess what I'm saying is, everything I've heard about Port Alan, they're talking about expanding it. And because it is already to the max, I'm looking under location 1, parking. It talks about two accessible stalls. I'm wondering if that will be enough with the amount of visitor traffic we have there at this time.

Larry: Under the ADA requirement we require to put in two stalls based upon the total amount of stalls that they have.

Kuulei: Right, based on the total amount of stalls. So, I'm looking at the total amount of stalls for which you came up with this calculation, and I'm wondering how soon are we going to – from what I understand, we're already needing more stalls. The DLNR is needing to put in more stalls because of the traffic in that area. If that is the case

Larry: If DLNR should put in additional stalls, then the additional stalls requirement, the ADA requirement, would be also taking the consideration under the new development side.

Kuulei: Okay, so until there is new development, I guess I'm trying to look a little ahead

Larry: Right, I think basically what it is, is that the facility provides only thirty-seven right now. Out of the thirty-seven, we are going to be providing two accessible stalls, one van accessible, one.

Kuulei: Going to A48. Kikiaola Small Boat Harbor. I could not find out on any maps, so I did stop by the DLNR office, before I came in here. So I didn't get a chance to look here, but I could not locate it by this map, and the other maps that I had of the island. Of course, it gives a general idea, but this is one of those places where it was more of a discovery. I said, "Wow! This is a place that I can go to." And then, on the other hand, I think, I may have been at this place because it has a pavilion and all these other things.

Bruce: What page are you on?

Kuulei: I'm on page A48.

Larry: Kikiaola Harbor is located right before Unintelligible

Kuulei: Right, right, but and that's, I read the description, but because I couldn't locate it on the map, per say, I couldn't understand if I had been at that location because I've been at different locations and we're faced with accessibility or issues, but I just really couldn't see it. I would really, if possible, really appreciate a kind of different map so that it could be identified a little easier.

Bruce: DLNR does have a larger map where everything is located around each island, but it was too big to put in this document.

Kuulei: Right, but I notice there are inserts of other maps use, and it's a little easier. It looks like at least two different types of maps, if not three are being used.

Clyde: We used whatever we could find that was available.

Larry: Yeah, what was available without going through Unintelligible

Kuulei: Well I figured you didn't get the hardest one for me, but I'm just saying it was difficult.

Bruce: On page A2, you'll see a map of Kauai, of the island with each facility located on the island, so that might help you in locating the harbor.

Kuulei: Well, yeah I did. I feel like I've studied this, digested it, and so forth. And so what I was able to do was, looking at this map, and kind of the way it bumped out a little, I was able to sort of locate it on a different map, but it still didn't give me enough, like if I know how the road went or something like that, kind of how some of the other ones are, I'd be able to locate it a little better as to, oh yeah I remember we went up kind of this way and that way from the main road, not that I'm wanting a full on map. It is just that other ones were a bit easier to locate. I had no comments other than that on this one. On A50, Nawiliwili Small Boat Harbor. Because I have not used all of the different facilities I feel that I could not comment, however I know that this island is, has a lot amount of fishermen, elderly as well as ones with disabilities. I mention the elderly because they are sometimes limited in mobility and other types of issues regarding their bodies. I would like to see some type of way, more input from the fishermen themselves, and I know that they do have organizations on this island, and there is one main one for all the islands actually. I would think it would be very helpful to have, contact that organization and ask for their input maybe just from the top or whatever so that DLNR could possibly fix some

problems that are simple enough to fix it this time and waiver and possible lawsuits because, say, one particular group of people will say that they can't enjoy it, but others can enjoy it now and we can't and that kind of stuff. On page A53, Ha'ena State Park. As I spoke with you, Clyde, I was having a little bit of confusion as to which state this was, I mean which beach this was. I had it confused with Kehei Beach at first, but I understand which one it is now. On the proposed improvements location 1 comfort station area, parking. Larry, I take it you're designating one van parking area and one regular accessible parking area based on the total amount of parking stalls?

Larry: The parking stalls, we are providing it for the accessible to the restroom.

Kuulei: That's just dirt, gravel right?

Larry: Yes, parking along the road.

Christina: So how are you doing to do that?

Larry: We are going to be paving an area to provide the accessible stalls and route. And then the route to the restroom.

Christina: And what are you going to do it with? Do you know?

Clyde: Asphalt, probably.

Christina: With asphalt?

Larry: Yes, the parking space itself, will be asphalt, the accessible route will be concrete.

Christina: Okay, I'm just curious because we've had so many problems on Kauai, trying to figure out what to do with our lots that are just dirt

Clyde: On all of ours its all hardened, that we had to.

Kuulei: You have to in order for it to meet the ADA requirements.

Larry: So, lets assume you have a big parking area that is dirt. What we are doing is we are guesstimating how many stalls, or how many cars would park in that area, and I think Unintelligible did a good job on that, so what we are doing, is basically, upon that quantity, we are providing accessible parking spaces at each of the amenities.

Kuulei: I see that you are basing it on how many stalls could possibly be there, having been at that beach a lot and seeing what goes on and being there for long amounts of time, there are so many people with handi-cap placards who cannot use the restroom, that need to get into the restroom, that you have people who are dropping people off that have handi-cap placards on their car. This is such an overused actually, overused park. I'm talking about residents, and the majority of them being out of state visitors who bring their handi-cap placards with them, and so it is a stream, this beach and also another one we are going to touch on. It's a stream of cars in and out, it is just, like a circle, almost, and then when they come out, they get blocked in because it is such a small turning area and trying to find places

it is quite a while before they can get back to pick up the person, so then there are people waiting or the person couldn't get in just to be dropped off and so forth. It is a pretty bad, awful traffic jam.

Clyde: Well it's the end of the road, and unfortunately at this time, the public DOT highway basically ends at Kee Beach.

Kuulei: Yeah, but this particular site is not quite the Kee Beach, but yeah, it is near the end and right?

Clyde: Well we are talking about the cover station and it is Kee Beach.

Kuulei: Oh, okay, because I thought we were looking at Napali Coast State Park as Kee Beach.

Clyde: Well it is also the trail to Napali.

Kuulei: Yeah, so there is some restroom facilities across from it.

Clyde: That is what this is talking about.

Kuulei: Is it? Okay because then, I thought there were some restrooms further up across from the cave. That is how it read here, but I was confused since I was reading it.

Clyde: Yeah, that is the county one, about a half mile or a mile before.

Kuulei: Oh, but that is for the drive cave, I think?

Christina: Yeah.

Kuulei: I'm looking here at the, this particular, what cave in and so forth because it talks about the overflow parking.

Clyde: There is a cave right across the overflow parking which is a earthen area which is about a couple hundred yards before the end of the road.

Kuulei: Right, okay okay, so this comfort station is not at overflow parking, but at the Kee beach. It is a nightmare there, and like I said, I see so many people with placards that don't have a place to park, and I'm not talking four at a time, I'm talking six or more at a time with placards on their car, be it their license plate, their something on the board, or dashboard, or what have you.

Larry: The problem with that area there, people park wherever they can find space. There is really no designated parking area, per say, and such, so what we are doing, is we are creating an ADA parking area specifically for the.

Kuulei: Right, and this is what that report is about.

Clyde: And like I said, the roadway is also DOT, and we understand the usage is heavy and we did survey this beach, and we acknowledge, yes there are handi-cap, excuse me, disabled people

utilizing that. In fact, we noticed the visitation is almost equal to Diamond Head crater, which is over a million people a year.

Kuulei: Oh yeah, so I guess what I'm asking for is at least one more accessible parking because it is just, for the amount of usage there, and I realize, that okay, maybe it doesn't work for the amount of what a lot would be, but just for the overuse for this, the amount, it really qualifies in that sense for at least one more.

Clyde: Okay, there is a master plan that has been worked on and worked on by the community there to understand to basically develop better facilities at this place, and one of their latest plans, I've seen is that overflow across the wet cave, is to be developed better for the proper facilities, that is with the parking. All the public, I guess, transportation will be blocked at that point.

Kuulei: Okay then, you're talking that there will be accessibility paved from that other parking lot to the restrooms and the restroom area.

Clyde: Well, they build a new restroom and visitor type facilities at that point.

Kuulei: What are you saying new? You mean, facilities at that first location?

Clyde: At that overflow parking area.

Kuulei: Oh, okay. That is just my main concern, knowing what is going on there.

Clyde: Like, I said, we notice that we have a high visitation use, and the facilities are inadequate.

Kuulei: Page A56, we're up at Koke'e, in the pavilion area. It talks of restrooms, one each, men's women's will be made accessible, both sides will be converted into a single user toilet room. So, what I understand is that if you're in the pavilion area, there will be one unisex toilet. Is that correct?

Larry: Well, they have two. One men and one women.

Kuulei: Okay, one each I see. My point here is, that is not enough when there are groups because groups rent out that facility there, the cabins. Also, when there are community events held up there, such as the Queen Emma Festival.

Larry: That is the maximum we can put at that facility.

Kuulei: You mean that you are required?

Clyde: Without moving structural walls or making new improvements.

Larry: Under the transition plan that is the maximum we can provide.

Kuulei: I see, okay, thank you.

Larry: In some cases we do have heavy usage, where you have only two. In order to make it ADA accessible we have to remove one.

Kuulei: Right, because they are too small, yeah I understand, your area and your turn around point for the, yes.

Christina: And, if I can just put in real fast, the self-evaluation and transition plan is identifying existing barriers, so, when we have the word transition plan, we're really talking about alterations and so on and so forth. It doesn't include new construction at all where removing barriers that exist prior to ADA, or you know, yeah.

Kuulei: Say that again.

Christina: A transition plan is identifying existing barriers, so, when we talk about transition plans, locally and nationally, once you have a transition plan, you have a transition plan that identifies all the existing barriers at such a time, that anything built after that is going to have to meet these ADA requirements that exist. So the self-evaluation and transition plan was really created to deal with what existed before that wasn't complying.

Kuulei: Yes, I understand.

Christina: Yeah, so barrier removal as opposed to building in compliance.

Kuulei: Correct, I understand. Yeah. I have been following the ADA three years before it came into law, so I understand how the changes are being made there. The questions and comments I've made in the last three have to do more with the old term of why we don't want to do a half ass job. I understand you have certain qualifications, certain things you meet, like you have twelve stalls, so this many handi-cap ones are necessary. At the same time, I'm saying, "Are you going to have to then circle around again and very short time. I guess I'm looking at costs and not having costs ways, or as little ways as possible because of course there is always going some type of changes or what have you. And that would it be more cost effective, say to put in that additional stall now and the rest of the, there is a plan to put more stalls on, but then you don't have to go back and change the topography of the parking lot or what have you, and say, put more concrete or asphalt type areas into the restroom, whereas, that widening can be made wide enough now because you know in the future, and when I say the future, like within the next ten years say, you are going to maybe put five more stalls in that parking lot. So, if you were to put in, if the work order included three at this point so that when the cement or whatever is laid, its not laid to a certain point Then, you have to come in, oh five years, maybe even nine years, and by that time the wear and tear of this original part is all law, and you're talking the cost to level things out and to add more is much higher. That is why I am bringing up those particular points and that does entail new construction as opposed to just meeting the standards, but its kind of looking ahead rather than putting out fires as we are running along.

Bruce: And those points are very excellent, that you made, and it seems like common sense, that if you are going to go all the way up there to pave some parking, as you indicated, there are a lot of people with disabilities that use this site, and you'd like to request, formally that one or two additional stalls beyond the requirements be provided to accommodate those individuals. And those comments will be incorporated in here and considered by DLNR and go on the record as requesting those additional

stalls. The people that fund these events and so forth, we'll look at that and perhaps we'll come up with, hey, that makes sense, a number of people use them, lets add a couple or more stalls. So they're good point to be made and we appreciate that thank you, Kuulei.

Kuulei: I've always told Bruce how diplomatic he is.

Bruce: No, its, I'm very serious. Yeah, very good points.

Kuulei: Okay.

Christina: And I want to say thank you Kuulei for having said to me earlier in a perfect world, because often suggestions, such as these, I'll make suggestions that we know we are going to do this in five years, lets do it, and I get the looks from everyone like, excuse me, this is our budget, and blah blah blah. Its just funny. Its good to hear that some people think that way.

Bruce: But because a lot of DLNR sites are so isolated that when they, in fact, Clyde indicated earlier, some places, they have to literally bring their material in by helicopter, and if they are going to do that, lets do it right or expand a little bit at that time, where it would be cost effective. So good point.

Kuulei: The cost may seem high at this point to bring it in under helicopter, but can you imagine what the cost is ten years from now, twenty years from now.

Clyde: We are on another wave length also though, and we discussed it with the plane is, we are also trying to contain the cost instead of having it runaway and having everything piggy backed on the consent decree where, in fact, even when we originally looked at, from 7 million to 34 million, and that prices were still going and the Big Island, the same thing. They're over 70 million. We're trying to keep that figure for the ADA issues at a manageable number and that is what we have, the \$10 million. If we look at all the other issues that you bring up, that should be new, we have discussed that with our old hierarchy to provide the capitol improvement funds, and it is in our budget, so that the boating and the parks and other facilities hopefully can try to add to the amenities that we are doing, but we didn't want to use the ADA as the excuse for all these improvements, no. Not in the consent decree.

Larry: I think was Clyde is saying is that we are trying to take it one step further and address what you just stated. What it is, I think right now, the budget is 11 million that we are doing for the ADA to remove all these barriers and to take care of the program accessibility, but we recognize what you are saying, so what we are looking at, is going in also on the other side, going into additional funding where if we do get this funding, if we don't get this funding, the ADA stuff will still happen. We didn't want to jeopardize that. Then if we do get this funding, then what is going to happen is that its going to be piggy backed onto the ADA stuff to do what you just suggest and to accommodate it as such.

Kuulei: And I also understand the point of, you know, I could go through here, and say, well why don't we put another one here, and another one there and so of course we don't want to do that arbitrarily, and so that's why I only point out two spots on Kauai because I've heard of the expansion plans for Port Allen, but as you pointed out it could be major expansion plans, so why give them a whole bunch of concrete to put a jack hammer on later. As far as the Kee Beach project, you've seen for yourself how busy it is, and perhaps, if the future plans don't necessarily entail to much at that location

other than maybe doing some paving of stalls, because the major improvement will be on that other section that it might qualify, it might qualify for a third stall at this time, but I don't want to keep beating the horse, we can move on if you want. Do you have a comment.

Bruce: I do. We're scheduled on the last flight of the evening from Kauai at 7:15, in about a hour, my question to you is, and you have very good comments, can we continue this at a later date, at a different location that is convenient for you? Or can we communicate in some other way by either email or meeting with you via telephone, or what is convenient for you to receive the rest of your input? What is best for you? Are you staying here tonight?

Kuulei: Yes, I'll be here till Friday, and then I'm going camping on Molokai for the weekend, on an un-accessible area, but my friends will be there. What has been helpful for me is to, I can continue to put my comments down via email although I won't be home till Monday, and then I can receive comments back from you, or after you've received my comments, what we can do then, is perhaps plan a meeting in Hilo at that time.

Bruce: That would be fine.

Kuulei: Or instead of flying all three of you to there, you could fly me to Honolulu, so which ever one you would like to do.

Bruce: Okay, lets do that, I would appreciate that.

Kuulei: Oh yeah.

Bruce: And thank you.

Kuulei: Because I've been conscious of the time.

Bruce: Thank you again Kuulei for coming and for your comments, they are very valuable, and your input is very important, especially the areas where you indicate, that you know for a fact that individuals with disabilities, more and more of them use the site and we should plan for that, and so I appreciate that, and it was good to see you again.

Kuulei: Yes and I'm looking forward to your comments regarding my comments on Maui. I haven't done the Big Island, but I know you had a lot, you got quite an earful from the Big Island, since the plaintiff is over there.

Bruce: So, can you email me Monday, and let me know what your schedule is, and we'll schedule something to get back to you on additional comments.

Kuulei: Well, what I was thinking is, I know you have certain dates for this project, if I can email you the rest of my comments regarding Kauai, and then I'll put in the ones I had today, but put them shorter because you've answered a lot of them, and then for the island of Hawaii, I would've completed my comments, and I was wondering if maybe I could get them to you by Wednesday. Take a look at them, and then contact me by the end of the week, or the following week and just let me know if you feel we need to meet again, or if they are simple enough to be addressed.

Bruce: Okay, and then the three of us could take a look at them and respond to them.

Kuulei: I thank you very much, all of you, you've done a lot of hard work, it really shows here.

Bruce: Thank you Kuulei, appreciate that. We'll end the meeting now at 6:09pm.

A public meeting was held on Thursday, November 21, 2002 at the Ala Wai Clubhouse on Oahu from 11:00 a.m.-1:00 p.m. Those in attendance included, Clyde Hosokawa DLNR ADA Coordinator, Norman Shiroma, Karen Motosue and Sherrie Samuels DLNR, Bruce Clark and Kathryn Mendez, Accessibility Planning and Consulting, Inc. Participants from the community included: Charlotte Townsend, Assistance Director of DCAB. No other person representing business or consumers was present. The following comments are from this meeting.

Bruce: Okay, its 1:15pm, and I'm Bruce Clark, we're going to open up the public meeting for the purpose of, to afford and opportunity for individuals with disabilities, their families, friends, and agencies representing individuals with disabilities to meet with the DLNR staff and provide comments on the contents of their self-evaluation and transition plan. Could everybody introduce themselves? Who is present at the meeting.

Norman: I'm Norman Shiroma from the DLNR state parks currently working on the project.

Clyde: Clyde Hosokawa, ADA coordinator, DLNR.

Bruce: Bruce Clark, President of Accessibility Planning & Consulting.

Kathryn: Kathryn Mendez, Accessibility Planning & Consulting.

Sherry: Sherry Samuel, State Parks.

Bruce: Yeah, lets make a correction there, its 11:15am, not 1:15 pm. Thank-you very much. And with us is Charlotte Townsend, from the Disability Communications Access Board, and Charlotte, you have the floor.

Charlotte: Thank you very much. I'm here to read testimony from our board of the Disability and Communications Access Board, particularly submitted under our chair, Dean Georgette. The Department of Land and Natural Resources, conducting public hearings on the revised self-evaluation and transition plan for compliance we the requirements of Title II of the Americans with Disabilities Act of 1990. The Disability and Communication Access Board submit the following comments: The Disability and Communication Access Board staff had no technical input in the drafting of the plan, as we did with other state departments. This is because of the court involvement and the desire on behalf of the department to use a consultant rather than our office in preparing this document. However, D-CAB was given coordination responsibilities by the governor's office to ensure consistent application of the requirements of Title II of the Americans with Disabilities Act. The D-CAB drafted on behalf of the governor, executive directors, applicable to all executive branch departments. These directors clearly state the governor's departmental commitment to comply with the ADA requirements, and they should be appropriately referenced in the final department plan. Please note that D-CAB is not an enforcement agency. The D-CAB's comments are clustered into subject areas for emphasis, communication access. Number one, the plan recommends that DLNR issue a policy on communication access. Please reference the governor's directive 97-02 communication access. In addition, Hawaii administrative rules 11-218, issue by the Disability and Communication Access Board, govern communication access providers and should be appropriately referenced. Two, the section of communication access contains no assessment on the presence of TDD's in programs of the DLNR. Although the original plan did so. This evaluation should be reaffirmed and restated in this section. Number three, the self-evaluation should also include

an assessment of the DLNR website as this is a program of the department. Number four, when videos are provided, for example, at Huli'e Palace, they must be captioned, or another avenue of effective communication must be ensured. Employment, number one, the appendices referred to several areas designated as employment areas and yet further denotes that accessibility will be provided to employee restrooms. It is unclear in the scope of work as to what degree the department will address employee only areas and without this statement being made clear there are contradictions noted. For example, in some areas, particular to Ala Wai Harbor, the plan indicates that the upstairs harbor master's office will be made accessible, even though services will be provided elsewhere. Please clarify. Design standards, number one, the plan needs to have an overall statement concerning the ADAAG standards. The plan often indicates in the appendix that an accessible camp site, picnic table, etc. will be provided. If there are no final or proposed guidelines released facilities, does this mean only an accessible route to the site? If the statements mean that an accessible element is to be provided, then a document should state which design guidelines are to be applied. Number two, The plan also defers action in the harbor section, pending ADAAG boating guidelines. The US Access Board finalized the guidelines for boating facilities as of September 3, 2002. Although they are not yet enforceable by the Department of Justice. The plan should address whether or not the department depends to incorporate the final guidelines into their future designs, especially as it relates to piers, gang-ways, etc. The plan mentions that one element will often be made accessible. Does this mean to the final guidelines? If so, there should be a statement clearly obliging the department to that standard. Number three, in numerous site summaries, the statement, "An accessible route will be provided," the document should indicate from where, to where. Without this information, how were the cost figures estimated? Number four, in numerous site summaries, the statement, "An accessible telephone will be provided." Does this mean, a lowered phone, an amplified phone, or a TD accessible phone? Without this information, how are the cost figures estimated? Number five, in a variety of locations, the plan notes that the parking area is unpaved and unmarked, yet, an accessible parking stall will be provided. This is appropriate when the site has accessibility features such as picnic areas, lookouts, camping. It is very questionable to pave and mark parking sites that a remote trail head, where there is nothing at all to connect to or to go from the parking area. The department should consider not providing accessible parking except at trail locations, where accessible amenities exist or if the trail itself is accessible. Leased facilities. Number one, the plan states in several sections of the appendix regarding, Honokohau Harbor, Ma'alaea, Manele, and Heeia Kea. That tenants will be notified in writing, to address all accessible features. What is the time table? Are there any consequences for failure to comply? Haven't these agreements been examined to ensure that the responsibilities are clearly defined. Number two, Buzz's Steak House and Ma'alaea Harbor continue to operate on state land with no accessibility to the restaurant. There is no specific assessment of this site in the current plan. Non-compliance to this site is one of the original complaints brought before the DLNR in the 1990's. To state in the plan that the owners will be informed of their obligation, has not resulted in any compliance today. Stronger controls on behalf of DLNR must be made to ensure compliance from the private sector operators, who do business on state lands. These conditions should be clearly stated under a section applicable to leased facilities in the plan. Program access. Number one, in several sections, alternate sites are mentioned, for example, McKenzie State Recreation states, "An equivalent campsite and another state facility will be provided." When this is stated, the alternate site must be specified in order to meet program access commitments. Other. Number one, When a future study is sited, time frame should be indicated. For example, "Some buildings are being ethical," this is a quote, "some buildings are being evaluated for possible inclusion in the transition plan, Wailoa State Park, Hapuna Beach, as examples, or a study will be conducted to determine the feasibility of making the shelters accessible." Manuka. Without time frames it is difficult for the disability community to monitor compliance. Number two, references to the American Disability Act throughout the document

are incorrect. The correct working is, and I quote, "The Americans with Disabilities Act." Number three, references made to the architectural access committee, which has been defunked for two years. The correct reference should be, the Disability and Communication Access Board. Number four, Section 8.1 is an entire repeat of Section 5.1 and appropriate editing should occur. We thank you for the opportunity to provide these comments. Respectfully submitters, Dean Georgette, Chairperson. Thank you very much.

Norman: You want a response to this now, or do you want it later in writing, or?

Charlotte: You can give it to us, this is our chairman, so he needs to kind of receive it, but if you want to give it to me orally, I can make a report.

Clyde: I'll give it to you, because we do have the technical side of how we developed it. Which is done after the original assessments. We took it at entering step two. First, figure how to make it programmatic. You know, the decision to make it programmatic accessible. Then we developed the engineering and we quote it the sections of which we're correcting. So its done in a various, and the costs are in there including what we have in the costs because its original surveys did not take an account of two walls. Its not the nature of renovations its just basically to touch up the areas that aren't intact. And on the trail here, that was a tough call on that because when we looked at the recreation side, we assumed that it would have a trail that was designated under DLNR and we did say have a trail which would determine the needs. We were to provide at least parking as well as an access to the trail bed. Whatever possible, we did provide for all weather parking, which is AC or concrete, to all unfinished surfaces. So, that's the route we took with the access to the improvement of the facility. The telephone is an iffy question. We took an account to either relocate lower equipment, but the equipment is not adopted by the state. So, the type of equipment to replace, I don't know. We could make a request for this equipment.

Charlotte: And they have the choice of putting it in or not?

Clyde: Right.

Charlotte: I think our concern in the assessment is where you have the telephones as being one of only a small number of amenities and then the call that we make it accessible because one already exists.

Clyde: All-in-all I tried to simplify this document as much as possible, with that ENIS as a basic rule and I made the language simple because I'm just on the same foot. And I had to understand it, if I had to communicate it to anyone, that's the basic logic, so if the language is simple, it was kept simple because one of the complaints I think we had when we did it the last time, DLNR, is I was on the initial survey, which had all the ADAAG numbers and everything, deficiencies. It was very difficult to go through that document and to find out what was being done. And it was a time consuming process to go through those volumes and volumes of reports.

Charlotte: Please understand that we provide technical support to the department in effectuating the outcomes of the transition plan. And so, our role in wanting to know the standard and the application of the engineering prospects has everything to do with our ability to do the document review in a manner that's consistent with your outcomes, and so although we appreciate the simplicity of the language for public comment, our concerns are to be partners with the department in the final outcome. The more

details in your report that are available for us, the more we can say that this is indeed in compliance and our document review process can follow the transition plan, as you know, if it doesn't have that designation, as a transition plan project with documented survey and engineering specs, it may come to our office as an alteration. Sometimes an alteration may be looked at a higher level of compliance than an program access solution under that insole our comments of a higher standard of knowledge is pretty much on what our role is in the system.

Clyde: DLNR has taken the approach on basically on an R&M, that we would not, have many exemptions, as historical famish should be taken to the environment. The other one would be the movement of structural walls. So it'd be decided wherever possible we were not moving any structural walls, we were not basically going through the building and the process will keep as simplistic on the R&M basis as possible so that there will be no exterior alterations.

Charlotte: Doing it as an R&M project wouldn't necessarily exclude a design on paper that would eliminate our document.

Clyde: No, you will have the document in view. That's part of it.

Charlotte: That's a guarantee that you want to understand.

Clyde: That's a given and we told all our consultants and we have sixteen of them coming on board, that part of the check list is to have the D-CAB review process. If you need them to.

Charlotte: Could we have a set of these ma'am? Would that be possible in order for us to pad that a little bit so that we have that assurance and its to no greater degree than what we provide to any other department. I have all transition plans in my office, and as it comes in for document review, we label it accordingly so we can follow what you want and that's why it would be very helpful if we had those. Doesn't lock you into it, but it helps us further understand where you are going.

Clyde: They told us to get involved and the DLNR basic had listened to years to beat the courts consent decree deadlines, so I'm sorry we didn't do fully on D-CAB but with thoughts of how this was covered on the original public hearing that was in 1999, and yes when I looked at it, it had some elements that are missing in this document. This document was basically more because of John Hartman's thing. He wanted to see the physical barrier removal side, and I'm basically on the engineering side, and that's why I specialize in, so that is why its bias that way here. And so the most lengthy times for us to try to get this 10-120 projects or different sites within compliance within the 2 years. So, we approached it that way, and he's looking on the other side to get the programmatic side.

Charlotte: Great, well at least you know how we approached it, and why our testimony was a bit long. The critique, like I said, is nothing more than what we had done on all the other transition plans that were not court driven, but we're done with the governor's directive. As staff, let me say that we do have those directives in the office if you do want to incorporate it into your final plan. I'd be more than happy to send them off to you, so you don't have to look for them else where, but we do have them, so I appreciate it much.

Clyde: I appreciate it too.

Charlotte: Thank you very much.

Bruce: Charlotte, one quick question. It was brought in Maui in reference to the website, and the website not being accessible following 508. It was indicated that the D-CAB does have a guidance on that.

Charlotte: We do have a guidance and it is exactly it's a 508 guidance for our website that we were not successful in getting the governor to make into an executive directive, and so that is why it's a guidance and all of the departments have been given the guidance. It said if you could please follow these, at least minimally we can expect all state websites to have those minimal issues address. I could give that to you.

Bruce: That'd be great, and so is it okay if we had the DLNR people that run the website contact for questions.

Charlotte: They are apart of our webmaster's network, which helped us to come about with some coordinated effort. So we already know who your DLNR webmasters are. The power of having the document re-enforced in your plan, will certainly help us to ensure that they are going to comply. They are aware of it, they know about it, but because it is only a guidance we don't have much.

Bruce: The timeline is on 508?

Charlotte: 508 is gone, the guidelines were a year ago, as far as compliance. 508 doesn't directly apply because we're not a federal agency. It does give good, sound, reasonable, cost effective perimeters for accessibility and that is why we wrote the guidance because 508 wasn't automatic. If 508 was automatic we would have a policy directive already by law, and we could implement it. It was specifically written for federal government and their contractors, and their vendors, and literally how the government does business in the federal level, but we do believe that what we have written will give us some kind of safety net until we move into the direction of more, local over sites. I didn't mention it because it was only a guidance. You are more than welcome to have it.

Clyde: We've had numerous comments that they can't find, I guess our site is a little busy, so they can't find what they're looking for. We did this document, we didn't know, in the wrong format for some of the machine devices for them to read it. We're sorry, but we didn't understand the format.

Charlotte: If you have it included, that you're going to look at it and invest, at least you have that protection that you are aware and that the program, and our point of putting it and our testimony is to make you aware that there is no question. The websites are a program of the department. All other websites attach to all other departments have been given the guidance. I'll tell you they don't all comply, but many of them do in the general sense, and that is what we are working toward.

Bruce: Do you know if it's a major effort in getting to transforming it to comply? Because I don't know.

Charlotte: No, it's a matter of software. And really ensuring that the webmasters, themselves, understands PDF, HTML, Acrobat Reader kinds of applications that will then allow appropriate navigation. The other issue about the website being to busy. By having to many things on the page or to

much movement and not being able to get what they want, is a big issue. That really has to do with how it is organized more than any kind of sophisticated software. So, its really an awareness issue and a commitment to do something and if you can put it in here, it certainly helps with the blind.

Bruce: Yeah, good point. I don't know why I assumed it complied, but that is the first time I heard in Maui that it doesn't. I was surprised because they seemed to be pretty up on it, and they are computer wise.

Charlotte: And they are. Their webmasters at DLNR are very, very smart about the web, they just need to infuse that a little bit with the accessibility requirements. I don't think it will take that much. We are not asking for the highest standard, as anything we are looking at minimum.

Bruce: Okay good, good. Good point. Thanks. I appreciate it.

Charlotte: All right, well thank you guys very much.

Clyde: We thank you very much.

Charlotte: They should do something about the signage so they all...

Norman: This is a county facility Charlotte!

Charlotte: Oh I know but...

Norman: Okay , okay, okay, okay.

Bruce: I know its hard to find.

Charlotte: Yeah I just went around the other side...

Bruce: Why don't I make copies of that, I'll answer what I can answer. Then what, are you going to review?

Clyde: For here.

Bruce: So far. There some other people coming, but we suspect Sheryl Nelson. I don't know if you know Sheryl, she's an individual that is blind and she lives up at Punchbowl, so the DLNR offices would be more closely convenient for her, so she'll probably come tonight to participate. But we're anyway, until 1 'o clock.

Sherry: They could've been like me, and went to the old Ala Wai Clubhouse.

The following is a written document submitted by the Disability and Communication Access Board in regards to the November 21, 2002 meeting. The response to each question is located on the adjoining pages.



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586 8129

TESTIMONY TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES November 21, 2002

The Department of Land and Natural Resources (DLNR) is conducting public hearings on its revised Self-Evaluation and Transition Plan for compliance with the requirements of Title II of the Americans with Disabilities Act of 1990. The Disability and Communication Access Board submits the following comments.

The Disability and Communication Access Board (DCAB) staff had no technical input in the drafting of the Plan, as we did with the other State departments. This is because of the court involvement and the desire on behalf of the Department to use a consultant, rather than our office, in preparing this document.

However DCAB was given coordination responsibilities by the Governor's Office to ensure consistent application of the requirements of Title II of the Americans with Disabilities Act (ADA). The DCAB drafted, on behalf of the Governor, Executive Directives applicable to all Executive Branch Departments. These Directives clearly state the Governor's departmental commitment to comply with the ADA requirements and they should be appropriately referenced in the final Department Plan. Please note that DCAB is not an enforcement agency.

The DCAB's comments are clustered into subject areas for emphasis.

Communication Access

1. The Plan recommends that DLNR issue a policy on communication access. Please reference Governor's Directive 97-02 Communication Access. In addition, Hawaii Administrative Rules 11-218 issued by the Disability and Communication Access Board govern communication access providers and should be appropriately referenced.
2. The section on Communication Access contains no assessment on the presence of TDDs in programs of the DLNR, although the original plan did so. This evaluation should be reaffirmed and restated in this section.
3. The Self-Evaluation should also include an assessment of the DLNR web site as this is a program of the Department.
4. When videos are provided (ex. Hulihee Palace) they must be captioned or another avenue of effective communication must be ensured.

Employment

1. The Appendices refer to several areas designated as employment areas and yet further denotes that accessibility will be provided to employee restrooms. It is unclear in the scope of work as to what degree the Department will address employee only areas and without this statement being made clear there are contradictions noted. For example, in some areas (ex. Maalaea Harbor) the Plan indicates that the upstairs Harbor Master's office will be made accessible even though services will be provided elsewhere. Please clarify.

Design Standards

1. The Plan needs to have an overall statement concerning the ADAAG standards. The Plan often indicates, in the Appendix, that an accessible campsite, picnic table, etc., will be provided. Since there are no final or proposed guidelines for these facilities, does this mean only an accessible route to the site? If the statements mean that an accessible element is to be provided, then the document should state which design guidelines are to be applied.
2. The Plan also defers action, in the Harbors Section, pending ADAAG boating guidelines. The U.S. Access Board finalized the guidelines for Boating Facilities as of September 3, 2002, although they are not yet enforceable by the Department of Justice. The Plan should address whether or not the Department intends to incorporate the final guidelines into their future designs, especially as it relates to piers, gangways, etc. The Plan mentions, that one element will often be made accessible. Does this mean to the final guidelines? If so, there should be a statement clearly obliging the Department to that standard.
3. In numerous site summaries, the statement "An accessible route will be provided." The document should indicate from where to where. Without this information, how were the cost figures estimated?
4. In numerous site summaries, the statement "An accessible telephone will be provided." Does this mean a lowered phone, an amplified phone, or a TDD accessible pay phone? Without this information, how were the cost figures estimated?
5. In a variety of locations, the Plan notes that the parking area is unpaved and unmarked, yet an accessible parking stall will be provided. This is appropriate when the site has accessibility features, such as picnic areas, lookouts, camping. It is very questionable to pave and mark parking sites at a remote trailhead where there is nothing at all to connect to or to go to from the parking area. The Department should consider not providing accessible parking except at trail locations where accessible amenities exist or if the trail itself is accessible.

Leased Facilities

1. The Plan states, in several sections of the Appendix (re: Honokohau Harbor, Maalaea, Manele, and Uleeia Kea) that tenants will be notified in writing to address all accessible features. What is the timetable? Are there any consequences for failure to comply? Have the lease contracts been examined to ensure that the responsibilities are clearly defined?
2. Buzz's Steak House at Maalaea Harbor continues to operate on state land with no accessibility to the restaurant. There is no specific assessment of this site in the current Plan. Noncompliance to this site was one of the original complaints brought before the DLNR in 1990s. To state in the Plan that the owners will be informed of their obligation has not resulted in any compliance to date. Stronger controls on behalf of DLNR must be made to ensure compliance from the private sector operators who do business on state lands. These conditions should be clearly stated under a section applicable to leased facilities in the Plan.

Program Access

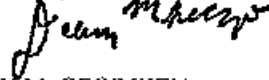
1. In several sections, alternate sites are mentioned. For example MacKenzie State Recreation Area states... "An equivalent campsite at another state facility will be provided" when this is stated, the alternate site must be specified in order to meet program access commitments.

Other

1. When a future study is cited, timeframes should be indicated. For example: "Some buildings are being evaluated for possible inclusion in the Transition Plan" (Wailoa State Park, Hapuna Beach) or "A study will be conducted to determine the feasibility of making of the shelters accessible" (Mamuka). Without timeframes it is difficult for the disability community to monitor compliance.
2. References to the "American Disability Act" throughout the document are incorrect. The correct wording is the "Americans with Disabilities Act."
3. Reference is made to the "Architectural Access Committee" which has been defunct for two (2) years. The correct reference is the Disability and Communication Access Board.
4. Section 8.1 is an entire repeat of Section 5.1. Appropriate editing should occur.

Thank you for the opportunity to provide comment.

Respectfully submitted,



DEAN M. GEORGEV
Chairperson

Page 1: Response to DCAB's Questions:

6.1 Communications Access

1. The appropriate documents will be referenced in the transition plan.
2. The location of the TDD's will be added to the Communications assessment
3. The WEB Site will be addressed in the Self-Evaluation
4. The DLNR is investigating the captioning of all department videos made available to the public.

Employment

1. Title II required the DLNR to accommodate an employee with a disability at the time the request is made and the degree of accommodation made known. In addition the ADA also requires that when a planned alteration, to an employee common use area, is completed, then at that time the altered parts must be made accessible. The DLNR will follow these guidelines.

The DLNR is achieving program access, however, under a Stipulated Agreement through Federal Court, the DLNR must also remove all existing architectural barriers. Therefore, both program access, as well as barrier removal, is indicated in areas where it is applicable.

Design Standards

1. The design standard to which all barriers will be removed is the Americans with Disabilities Act Guidelines (ADAAG), as adopted by the State of Hawaii under HRS 103-50.

For those elements not specifically mentioned in the ADAAG, those ADAAG sections referencing similar elements, i.e. camp sites, will follow the requirement for accessible routes, picnic tables will follow the requirements for accessible tables, etc.

2. Recognizing that DCAB review DOES NOT include a review to proposed guidelines (final guidelines not adopted by both the U.S. Access Board and the U.S. Department of Justice), each user agency will be encouraged to follow the most current available guidelines.
3. The site summaries are just that, summaries. If the DLNR were to itemize all such actions, the document would not be manageable. All site surveys and master plans are available for inspection at the DLNR.
2. See response to item 3, above.

3. The DLNR is providing accessible features at those locations, which can be made accessible. The DLNR does not predetermine if an individual can, or cannot, use the facilities beyond the areas that are made accessible. For example, the ADAAG requires that "If parking is provided, then accessible parking must also be provided", regardless of the location of the parking or whether or not the facilities they serve, i.e. hiking trail, is accessible or not.

Leased Facilities

1. There is not timetable since entities covered under Title III are subject to the Readily Achievable clause and compliance need only be met when it is affordable and easily accomplished.
2. Buzz's Steak House is a title III entity and under Title III there is an elevator exemption of building under 3 stories. Therefore, Buzz's does not have an obligation to provide access, other than to ensure their goods and services are accessible to the maximum extent feasible, i.e. through curbside or home delivery. As stated above, the DLNR has no obligation to force private entities to comply with Title III; however, the DLNR will continue to monitor tenants compliance efforts.

Program Access

1. The DLNR will note on their site locations those areas where alternate access is provided.

Other

1. Time frames will be included in future studies, however, time frames cannot be ascertained until the scope of the work is determined.
2. The wording will be corrected.
3. The wording will be corrected.
4. The Document will be edited for corrections.

A public meeting was held on Thursday, November 21, 2002 at the DLNR Boardroom on Oahu from 5:00-6:30 p.m. Those in attendance included Clyde Hosokawa DLNR ADA Coordinator, Norman Shiroma, DLNR, Bruce Clark and Kathryn Mendez, Accessibility Planning and Consulting, Inc. Participants from the community included: Lunsford D. Phillips and Sheryl Nelson Consumer. No other person representing business or consumers was present. The following comments are from this meeting.

Bruce: Its ten minutes after five, the purpose of the public meeting is to afford an opportunity to individuals with disabilities their family, friends, and agencies representing individuals with disabilities to meet with the DLNR staff and provide comments on the contents of the self-evaluation and transition plan. Why don't we go around and introduce ourselves? Clyde..

Clyde: I'm Clyde Hosokawa, DLNR ADA coordinator.

Bruce: Bruce Clark with Accessibility Planning and Consulting.

Kathryn: Kathryn Mendez with Accessibility Planning and Consulting.

Bruce: And here, representing one of the communities is Lunsford Phillips, and Lunsford, you have the floor.

Lunsford: Well, I haven't had this more than a day, can you, I think I've seen it in an earlier graph, so I think I'm a little bit familiar. Can you walk me through the self-evaluation. The self-evaluation as far as principally concerning programs

Bruce: Okay.

Lunsford: Start on the thirty-three.

Bruce: Actually, the, yeah. Starting on page 14 at the front in section 3.0, we start out lining the programs and services offered by the department of the DLNR and we go through and identify each program, the contact person's name, and their phone number that we review their program with, with a general description under each program of what that particular office or program provides beginning with page 14 and that would run through page 44.

Lunsford: Okay.

Bruce: Is there a particular program that you want to..

Lunsford: Well that gives a sketched out of what the program is and what is going to be changed, adopted within that program to promote accessibility where its at.

Bruce: Okay. On page 26 we start with the findings and actions steps of the programs and view what are findings were. Page 26 section 4.0 kind of outlines and identifies what is required by the ADA and then on page 27 we start with our findings and action steps that we are going to be taking to bring

the programs into compliance. That's what are finding were, for example on page 27 section 4.2.1, we did a survey of the buildings and facilities and our finding is addressed under 4.2.1 on page 27.

Lunsford: The transition plan will come...

Bruce: Will give us the detail of our action steps of what we are going to do and outline costs and dates of barrier removal. And that begins on page 33.

Lunsford: Okay so, kind of correlating 4.2 with 3.1, what I turned to is 3.6 which is the provision of courtesy. Speaks about how this division offers per heads and what else, manages natural areas reserved, trails, and access systems. Is there somehow a correlation in 4 that addresses how that division will promote for accessibility for, in its program managing the trails and access systems. Maybe that's a bad one, that sounds like pretty much in how sometimesUnintelligible Maybe pick another that your more familiar than I am. The 3.4 which is the conservation and resource enforcement, the hunter education offices, like principle programs and that division offices, is there any way that I can see how, what the hunter education office does, is going to be made for him.

Bruce: Okay, what we did, again in section 4.0, findings and action steps, is after we reviewed the programs, well first of all we reviewed all the buildings and facilities where the programs operate and where they have the programs, be it the parks or whatever, and of course we found a lot of architectural barriers, both in the facilities and parking and so forth. We looked at their licensing and certification, we didn't find any situations, again on page 27 section 4.6, we found no situations we the DLNR because the surcharges for disabilities for aid benefits and services provided by the state. We did find an issue on communications where on page 28, several divisions and programs are not clear on the complete concept on providing information and documents on alternative formats or where funding would come from for services such as sign language interpreters and again we outline an action step that by December 31, 2002, the DLNR will adopt a written policy.

Lunsford: I'm sorry, I went back on the other page, you were reading from...

Bruce: Page 28, section 5.1 under communications access. And we found generally throughout the DLNR, we need a policy to address that.

Lunsford: And I don't know, I'm not a hunter, so I don't know exactly what that hunter education offers us, but its described as instructing the state residents in wildlife resource conservation, outdoor ethics, and hunter safety. There might be some programs for particular aspects on hunting safety that would relate directly to disability, I don't know if Hawaii allows hunting from a vehicle if you're disabled which you can't otherwise do, some things like that.

Bruce: They do now.

Lunsford: But, stuff like that, is there something that, I'm just trying to find and I haven't had the time to find a good example, but, what I'm concerned with all the self-evaluations and transition plans that I see and this is not being singled out. They are all so darn general without specific stats or goals or bench marks or something so that the staff, you know the people that are actually going to be carrying it out have something concrete that they can address and say, "You know, we're going to draft a new pamphlet that addresses just hunting for disabled persons." And then they've got something concrete to

come up with a pamphlet, again, just general off the top example, and you can't find any fault with the statements aspiration that make up most of the self-evaluations. You know, it really boils down to not much more than, you know, we're not going to discriminate, we're going to provide equal access which, you know, it would be for those of us, who are "quote" experts, if we point it out some specific ways that those people who are not some or slob in the hunter education office, that he can identify as something that he can do, you know concretely to realize one of the, you know, indisputable goals of the legal access.

Bruce: Yeah, that's a good point and perhaps we address a little bit of section 4.2 on page 27, we have that finding, we found that many provisions and programs have not had an adequate response when occurred is to how they would provide access to building and facilities where they were located. And the action step is in order to eliminate the potential of such occurrences the consultant will meet with division managers and provide training under requirements of the ADA to provide their services in the most accessible fashion programmatically until the architectural barriers are removed. We're going to address this on a programmed basis, in other words like you say, we visit the program that provides the hunting training and permits and so forth. And we sit and talk with them about how do they provide that, what if somebody comes in that's, you know

Lunsford: So you're not done yet.

Bruce: No, absolutely not.

Lunsford: They'll be able to draw on your resource as their...

Bruce: And maybe, Clyde, you could go over what is to take place after this is a document, because I know this is quite a bit of barrier removal and program access.

Clyde: Well I guess right now we're, I'm new to this thing, I wrote this document in term like an environmentalist so I can understand and be able to basically converse with other people. And such documents or such action plans that we also work out and we give specifics to on how its to be done for specific barrier removals what ADAAG sections are hard to be removed. We also hired sixty consultants, who are on the process of negotiating or completing the sixty consultants to do the barrier removal within a kindly manner which by corp is beginning of 2005, but going back to the plan that once we incorporate the feedback or the comments we see, that this plan is to be further, basically accepted by the Board of Natural Land and Resources as a document or for the ADA coordinator offices as well as the engineering and all the wide divisions to follow. So, like it says, we're basically early and late, because this document that we're working on, the DLNR actually went through the whole process way back in 1999. They came up with this little document and earlier this, a year ago, the department decided that this was insufficient to basically address the needs of the disabilities act. And in February, they basically formed a team of basic engineers and planners to try to develop a system or try to address the needs of the ADA, Americans with Disabilities Act. We may have done a lot of things wrong because D-CAP says we did not reconsult with them a lot. We were also dealing that this was a consent decree and we looked at timelines since the timeline was 2005. So we addressed the physical barrier removal first. The trouble of the original self-evaluation hearings is that no one, the department didn't really understand this self-evaluation and transition plan, so after the initial surveys were made they thought that they had to removal all the barriers as identified. Engineering wise, we can't do some of these things. The facilities of DLNR are widespread in remote areas so even if they are recognized

without ruining the historical character or the natural environment we couldn't necessarily carryout or execute the original document. And I brought that to your attention and that's why I got selected, because they said, I think we bare look at this thing more if there's an alternative and the alternative was program accessibility and that's the direction we're heading for. The unfortunate thing about how this thing does, and I guess about all the counties is basically its been almost an unsounded mandate and has imposed and they really don't like to have all these inquisitions put on them. We've done one better at least. We got our money in our pocket and we basically have the team, an organized team, that we work pretty well together. We can basically have the resources to make the movement, more than I guess a lot of other agencies can. So in nine months basically we started from zero and we got this far.

Lunsford: Well I'm sure that, I hope that the public comment had made the point that more is not necessarily better in this instance, its probably, as a matter of policy, clearly, I would think common sense that its probably better to do fewer parks and better and make them really accessible rather than having every single park, you know, having an accessible restroom and probably, you know, some lower number of parks, but really make them accessible in creative ways, so that people with disabilities can experience, you know, the outdoors. Rather than spending your scarce money, on like you say, doing some of the remote areas, whatever, do some trails, you know, make some trails accessible and stuff like that. I know that, I look at this, and I know how many parks there are, and I know none of them are even close to accessible and so forth, they have this enormous number of barriers, I mean, you know, there parks are like hundred barriers. Unless there's some particular rules in mind of that park, because of its location, or its unique aspects, or whatever, you know, make it a top priority, then, you know, if I was being the administrator, I wouldn't spend a dime on that park with a 149 barriers, I'd spend it on something else, and you know, I'd really make it really accessible.

Clyde: In fact, I welcomed your comment on that, in fact, gone around with our staff on this issue, that originally we look at it maybe the barrier removal from \$7 million to \$34 million in DLNR. And we notice that there was costs from agents and other agencies from DOT or the counties. I came up to the conclusion that we were going to do repairs and maintenance and uphold the line. We would not build any new and Capital and Kubrick would be treated entirely differently. In this document we went back and we tried holding a line to \$10 million and that's for a total with program as well as the barrier removal, we are short \$300,000 because they raided us for salaries. We understand that we cannot make everything, and if you look at if further you'll find that nothings done and some were basically saying they're technically feasible and we're right now in the process of going across the street with moneys that are so necessary, its not under the ADA, but under their program to do whatever those renovations would be, but not using the consent decree or the ADA as the excuse to build those facilities.

Lunsford: And that goes without saying, that's why its technically feasible that you don't have to do it, but you know, yes you can't do all. I wouldn't even do most, it might be a good idea to get some minimal level of accessibility or most of the parks. You've got a whole range of disabilities, with different abilities. You've got Paul Sheriff , who, if you give him something that's minimally accessible, he's going to be able to fully enjoy that park. And you've got other people that you have to have a level path and the full on accessible restroom with everything in order for them to be able to experience the park, but don't loose sight of the forest for the trees. When I see all these barriers and all that's in the survey and I see you guys, I think, you're going to waist energy aggressing some of those that is really a, I don't say that you never address it, but, at a much lower priority. You got \$10,000 million and \$10 million and you use that money wise, so by 2007, after your in this you've got a couple of obviously you know there should be, you know, a inland park on each island that's accessible, there ought to be a

ocean beach or a Oceanside park on each island that's accessible, and you've got harbors, you want to put some money into and harbor on each island, so that you start off with one of each kind and make it really accessible and get around to it. Its unfortunate that this was a class act because it would've been a practical guarantee that you don't drop the ball by having the threat of additional litigation if you were to drop the ball, but I don't expect anything will happen.

Public: You know, my other comment is that the architectural accessibility, that's the easy park, that's easy to understand, its easy to budget, its easy to carry out and once you carry it out its good for ten years, you don't have to, you can kind of do it, and do it right and then kind of forget about it. The program stuff, you know, you can never put out of your mind because you're always changing what the services you are providing, and you are adding and subtracting, you know whatever. So that really requires somebody that understands how its program might not be accessible by so many different kinds of disabilities. I only understand the perspective really of the mobility of here. I don't have a good understanding of what is really needed by the visually impaired. What's the most effective thing? What would be the most helpful? What's a waist of time? So, that's it, that's a really intensive and tough job for your staff. To make those kind of decisions and in the act that they may be the physical barriers that's the simple.

Clyde: I grant you it sounds simple, but we finding it on the execution and to assuring that continued compliance of those improvements is not necessarily simple also. Going on the other side, our biggest problem is always been that the front line people has interfaces directly with the public is the one that has the highest turnover and that's a continual process of always training and making people aware. And as the legislature keeps re-inventing programs.

Lunsford: Lets make Bruce do a video, 15 minute video, on the do's and don'ts, put something together, part of your orientation of all your new employees when they're filling out their WF-4's they can spend 15 minutes and look at a video. You know, that is the problem with disability discrimination, its different and all the other kinds of disabilities. Women are discriminated against because men are Unintelligible. Blacks are discriminated against because some people are racist. Old people are discriminated against because some people think old people are worthless. Nobody discriminates against the disabled because they don't like people with disabilities. They discriminate against people with disability because they don't know any better. Its inadvertent, discrimination, they have just never, "Oh God, yes, somebody with Unintelligible can't read this brochure." It never crossed their minds, its not that they have any animus against blind people, so education will go helping those front line people and like I said, you can include Bruce and put something together that won't be impractical to show every new person. And they'll learn more in that watching that 15 minute tape about disability then they certainly will had gathered on their own in their whole life.

Bruce: Lunsford, getting back to your idea, which is a good idea, about making one hand land, one water park, one harbor, fully accessible. Do you have any requests or recommendations on any particular park that you'd like to see that happen to?

Lunsford: No I'm not a boater, Ala Moana. I would love to do some trails. I would love to get back into the deep woods, into the rainforest, that would be nice, but I understand that's a big under takement.

Bruce: Do you have any suggestions on how we can select sites like that?

Lunsford: Well, that's where the disabled community should be providing some input and I can tell them this meeting that input is not easy to come by. I think that rather than waiting for the input, you can have to go out, you got to dumb down everything in this world, you're going to have to make a check list of these parks. You know which one would you like to see made totally accessible first? List six parks and have them check it off and give them a return envelope. It's a sad commentary, but you should get that input because I don't think its possible for a group able body people to make anything other than a guess what a group of disabled people would want.

Clyde: Our guidelines basically have been doing it for 29 years and 9 months is that a lot of the priorities we established this and why we picked a lot of consultants to do it is the high use areas first. Yet to or so be it, local residents, and try to get much out of it as possible.

Lunsford: There must be a reason why those parks are getting high use and 15% of the population are disabled so presumably 15% of the tourists are disabled. You know, the disability, overwhelmingly, greatest number of people with disability are hearing impaired people, so if you are going at, you know, what's going to help the greatest number, you think a wheelchair, but its not something like this, its astounding, something like that. 60%-70% of people with disability are hearing impaired because there are so many people that are hunted hard of hearing, that's a legitimate disability. So many people are hard of hearing, so, I don't know how we make park programs accessible for the hearing impaired, but that's worth thinking about because it is. I know it's the mobility impaired really, hard to see the wheels, soUnintelligible And you've got 29 years and 9 months and you're doing this job? You didn't choose this job

Bruce: No I did not.

Lunsford: All right I got you, I got to go home. Well, keep the consultant on because with all do respect, or go to D-CAP because on your own, your good intentions are not going to cut it.

Clyde: One thing I found out about, the money you were saying, we're spending which ever way, because its like you say, a consent decree and we didn't have to document or to do, we had to hire professionals and people to document things, so to be sure things are identified as well as designed or written up or completed accordingly, it costs more than the work we've done, just to document what we do.

Lunsford: Yeah, that's the reason why it's a shame that it took a lawsuit to get you assigned on this project. Without a lawsuit you wouldn't be here.

Clyde: I don't know

Lunsford: Yeah, yeah.

Bruce: (Laughter)

Clyde: John Hartman assigned me to this one. John Hartman had a lot of parks and a lot of projects and I knew him very well across the table. I'd go to a private commission hearing and present DLNR's side. He presents his side, in fact he told me are you wired to make any decisions. I said I can make any decisions that is in my capability. And basically two or three projects, I looked at him and said

yeah and I gave him what he wanted. At which times he didn't like the trail and I'd leave him alone. He didn't like other things, and I'd say Okay, I don't have the money now but I'll come back and I'll do it for you. So, I guess when this occasion, and if it was John Hartman, I'd say who hired this person. I assigned him, but I'm always on the opposite side of the table with him.

Lunsford: Well, John is a good man and he's doing a good job, but don't, just curry the favor of the loudest complainers, you know, there is a whole group of silence of people with disabilities that you have to represent to and shame on them for not speaking up, that's there problem.

Clyde: I can understand basically a little community because you'd have to speak from the agencies, that even if the agencies come out with a perfect plan or whatever it may be. You still have this civil lawsuit to turnaround any agency if they're not in compliance within a timely manner. Is it 90 days that the state must comply after it receives the lawsuit? That is a big cloud because at least you never see people jump so high.

Lunsford: Don't tell me about it, I know well, I'm the clubber, and I'm the one that gets clubbed.

Bruce: I'm the one that says how do we get out of this case?

Lunsford: Nothing else gets your attention. In this day of the new administration and all that, its time to aspire better and improved ways of doing things, and litigation is not the cross effective way of getting things done.

Clyde: What gets my boss' most attention of when we wake up in the morning and come to work, is either the side of the news or better yet the editorial column in the newspaper, and they don't like that. What did we do wrong? Or what can we do to get out of this thing?

Lunsford: I hope I don't read about you in the paper.

Bruce: No other members of the community are here, so we'll formally close the meeting at 5:40pm.

Sheryl: I know that material so well.

Bruce: Sheryl, its ten minutes to six, and we're taping these meetings because we want to include your comments into the final self-evaluation and transition plan. So, let me re-open the meeting at 5:50pm and with us is Sheryl Nelson, a consumer, who is going to provide us her comments on the self-evaluation and transition plan.

Clyde: How can you tell her that this stage...

Bruce: Is the page numbers at the bottom of those?

Sheryl: Well the barrier page is, let me see.

Bruce: The section at the top, like, is there a 13.A or a 13.0.

Sheryl: Yes I got those pages too.

Bruce: Okay 57.

Sheryl: 57 is on this side. One of the things I thought, was when you listed resources, for example, like Braille, sign language and Braille. Can you only list public libraries?

Bruce: No, we don't have to only list the library but we did because the state has a contract with the library for the blind to provide documents in Braille, and if they want to order documents in the future they have to go through the library for the blind.

Sheryl: Do they have to or they can do private on page 57? Because what I've been seeing is that a lot of times when people want affiliates and services like Braille, for example, that the library's priority are the patrons and the library's priority, for example, are the school books and stuff like that. So people don't get stuff in a very timely manner, and so, it seems like it would be much more beneficial to list not only the library, but resources, you know, community resources like Dolphin Press, for example. Because a lot of things too, its like, for me, this document is very attractive, its usable. I'm looking towards page 56, and she formats stuff, Dolphin Press formats stuff so that you can find the print references. So, a lot of times, you're not ending up, we're ending up in meetings where we can't find information because the library is going to print it out but it may not be in a very usable, user-friendly format. So, it seems to me the list is made resources so people have options.

Bruce: The problem with it is, it's a state procedure that all state agencies order their material through the Library for the Blind because of the willing to invoice the state, whereas Betsy, Dolphin Press, will bill you. Here's the bill, I don't work off of PO's.

Sheryl: Yeah, she does.

Bruce: She does

Sheryl: I mean other people, like you probably take PO's. A lot of agencies take PO's, and so, its just like any consulting.

Bruce: Let me ask why, If you, Do you go to a specific provider of Braille, or do you have to follow procedures? In other words, Can you go to Dolphin Press and you have to put up with the PA?

Clyde: First of all, if the state has a procurement requirement that you must go to certain people to provide services, that's the first thing. If there is none, and I did not know if for Braille there is, then anything over \$1000 that triggers where you would have to have multiple quotes. Then we can go to any supplier to get those items.

Sheryl: Yeah, because I think it's the library system is set up for the primary setup is for the patrons to use the library system. If I wasn't Brailing in alternate formats, like a courtesy, they used to even do it for private businesses, that their priority is the patrons and so it seems to me that if someone picked up this plan, and they saw where you could get interpreter services, for example, not just, I'm just making up, the Hawaii Services on Deafness, and then lets say Joe Blow's Interpreter Service, etc. Accessibility Planning & Consulting, Such and Such Consulting & Planning, Open Access, etc. because

I've never listed, for example, in the transition plan as training. And so, but I see other stuff listed, some thinking, ah that's interesting. Its just to me, as a Braille reader, I want to be able to find something effectively meaningful and effective. I can read it often from the library, but a lot of times the formatting is not as user-friendly.

Bruce: Which is new to me, but, for example, Library for the Blind and Dolphin Press formatted documents. There's no standard Braille.

Sheryl: There's standard Braille, but not formatted. There's the code book that tells you all the Braille rules, but like, Dolphin Press does a lot of extras. They always put print pages in, they always put.. There's things that, its like if you went to Kinko's versus, I don't know, Joe Shmoe's you know, printing service, and Joe Shmoe for whatever price you're going to pay a little bit more, but they put things in it that make it more attractive. I saw a lot of resources listed in this plan, that I saw private, I saw public, but in certain areas, I only saw like the library. If I knew I could be listed in a plan.

Clyde: We went to the Library for the Blind and they told us it would take us six weeks to get this document out, and I said, "No." And he says that they can't make that timeline, so they found Dolphin Press.

Sheryl: Right, they refer you to Dolphin Press.

Bruce: No, actually I sit on the Board of HCIL with Betsy, and I asked her how long would it take , and she says email me the document, and I'll tell you.

Clyde: Only trouble is I have a concern with that, if she runs the press, she shouldn't ask for as a reader to ask for a Braille copy. In mind its almost conflict.

Sheryl: Okay, but she's a Braille reader.

Clyde: I know, but see, when she wanted a copy, if she didn't want a copy I wouldn't have no problems. In other words, I'm making a document because she's in the business for it or what. I mean, sooner or later, somebody may make some connotations on that.

Bruce: Does she want a copy just because she makes it?

Clyde: Yes.

Bruce: Oh, I don't think so, because she's blind. She reads it.

Sheryl: She wanted a copy so she could use it.

Clyde: But then she's the one who prints it for everybody else, so we all want copies and we all have one of them.

Bruce: Betsy's got one of them and we sent one to Kauai, ADA coordinator.

Sheryl: Well, okay, so what if the user, that printed the document kept the copy.

Clyde: When the copy is \$550 the agency gets to pick a little before they want to make that commitment.

Sheryl: Yeah, except for the admission's copy is what you're paying the money for, each page in your additional copies is 20 cents per page. So really, the multiple copies is where you save money. In the editing, is the most expensive, but I know that she got the document, because I know her, she got the document so that she could use the document to give input, you know, to make comments, and so.

Clyde: Like I said, I didn't have anything, just that overall you look at the people who do audit from the system, it doesn't not necessarily come out very nice, especially if we should continue to use the service on a home basis.

Sheryl: Okay so my other question would be then, If you request three copies

Clyde: You only needed, you only request for one, so we only needed one originally, but we decided to print three.

Sheryl: In case you needed two more, just in case?

Clyde: Just in case.

Sheryl: So, lets say you ordered three copies and just supposing, you order its prints, and you order ten copies from the Xerox machine or whatever, and so you order three copies in Braille, and Betsy, as her company, you don't have to save her those copies whence. Just like if you hand out print, you don't have to say who the copies go to because for me as a person, I don't think its anybody's business that I got a Braille copy. Its privacy, that's my business. And so, just like if you got printed, you print, you just handed out three copies to whom it doesn't matter. So Betsy, as the self impress printed, but for her as the consumer, or as the public person.

Bruce: Yeah, I can see if she was on the mainland and didn't live in Hawaii and wasn't a consumer here and wanted a copy for the heck of it. But she is a consumer, she's a user, so she certainly is entitled to a copy.

Sheryl: Right, but in an audit I wouldn't want it to come out that a copy was sent to Sheryl Nelson's house, or to Bruce Clark's house.

Clyde: The trouble is because of the documents nature every copy is counted for, so whoever we sent a copy or delivered a copy to, we have the name and address, and even in front of this document, those that the libraries have sent it to, the agencies representing people with disabilities.

Sheryl: Right, but those are agencies, I wonder, I would be curious to find out that, if it's a private, if it's a person, I would want that information to stay confidential.

Clyde: Well it's not necessarily your address or any other information within the document. We just have it on that separate sheet so we can count for the copies if we incorporated any changes, we'd know who to send the changes too.

Sheryl: Right, I get that, like a mailing list, but in an audit I don't think, in my opinion, you wouldn't have to worry because you'd have..

Clyde: Like I said, on this occasion there was only one initial request for a Braille copy, and it just happens to be the person who printed it.

Sheryl: Now what is interesting to me is, two other people told me that they requested Braille and I don't know if they didn't have the right phone number, I don't know if they called the wrong place, and so I told them that the hearing was tonight, of course, I'm obviously late, but I couldn't get here faster. The other thing..

Bruce: I'd like to ask a little bit more about those two people that really wanted a copy, and they couldn't contact anybody to get one?

Sheryl: Well, like I said, they said that they called and I don't know if they have the correct phone number, I don't know, because I didn't even know until Monday, who I was suppose to be calling and I think that's like Clyde was saying, we have these public hearings and not a lot of people, or Lunsford, or somebody said, if there's a hundred thousand people with disabilities in our state just as a conservative figure, we sure have poor representation showing up at these hearings, this is true, however, I think some of it is that people don't know.

Bruce: Well, okay, let me as a question, Now the state is only required to publish this in the paper, in the newspaper and in certain papers right?

Clyde: Right, its by procurement.

Bruce: How does a person that's blind, find this information out?

Sheryl: You don't. I mean I only found out by happen chance, because I get Newslane, which is the conversion, through National Federation, you call into the number, none of the ads, none of the classifieds, none of that stuff is on Newslane. Its all articles, you don't have any, you know, some of the stuff that I really want, like, I can get the obituaries but I don't get any, because its in the ad section right? None of that is in the paper. Now, sometimes you can get the radio reading service, you know, at the Library for the Blind, but you have to be available to read the paper at "blah" times. Whereas I'm a working person, I need to be able to read the paper at a time that is convenient to me, so I use Newslane. And so a lot of stuff, I mean, I'm fairly active advocate, and I miss a lot of stuff. So Bruce, you ever hear anything you call me up okay? Anything you think I should know about.

Bruce: You know, right, and its true, but you would think that there would be a process here because state and government notices are public notices, and you're the public and they are paid for with tax money and you're the public. You should have access to that. Why isn't the Disability and Communications Access Board doing something to let the community in Hawaii know that there is a public meeting here. They have lists of names, they have your name, why don't they have a service to call you up and tell you all the public notices.

Sheryl: Well, that's a good question. Why isn't anybody call anybody, you know what I'm saying.

Bruce: Why isn't there a process there?

Sheryl: And I think that part of the thing, is that number one, yes we have poor representation, I'm not going to dispute that, it's a given. Number two, so long in our history, and I'm not saying its right, wrong, good, bad, nobody listens to us. So a lot of people say screw it, I'm not going to go give input because nobody listened up till now. And that's reality. And the third thing is, the most important thing is people don't know. And I mean, Clyde, he's trying to find my house, he's above the bridge, and my road is pretty, it's a pretty major thoroughfare its not a non-traveled street. So he's bringing this thing last night, and I'm thinking sheesh, I know I've got to give comments and do people give comments by email.

Bruce: Email works.

Sheryl: Okay because I didn't know, so I just, and I was at something until five, so when you guys were locking the door, I'm so sorry.

Bruce: It's all right.

Clyde: Well its okay, we didn't know if you wanted to be here.

Sheryl: Well I couldn't come, I was doing a workshop for the state, and I couldn't come at the eleven thirty one, so, the thing, well I didn't see, we are on page 57 right.

Clyde: And you have the schedule of parks and facilities and by districts, start dates, and structures, etc.

Bruce: Do you want to talk about a specific park or something?

Sheryl: Hamakua Coast, for example, Hawaii, right? And then it says – I got to find the tape – because you guys have it columns right?

Bruce: Right.

Sheryl: Okay, so I got to find, how she, transcribers notes. There are eight columns in the following table. Priority Number, ID Number, Site, Number of Barriers, Design Start Date, Design End Date, Construction Start Date, Construction End Date. So lets go figure, Hilo, Hawaii, the first one, its number one in the thing, and then right, River Rainbow Falls, 38 Barriers, January '02, October '02, that's when its going to finish.

Bruce and Clyde: The design.

Sheryl: October '02 for the construction to start and July '03 for it to end.

Bruce: Right.

Sheryl: And then what I didn't see much about and maybe I'm, like I got to say, I read it, I didn't digest, I didn't have a lot of time to digest as many things as I could've wanted to, but I didn't see a lot about program access, in the document.

Bruce: That is back on page 26 section 4.0, we started off with, well I'll wait till you find that.

Sheryl: Page 26 in print right? Still trying to read my notes, page 19, its amazing how many Braille pages it takes to make a print page.

Bruce: Really.

Sheryl: Page 39 okay, 35, you said 26?

Bruce: Ah, 26. Beginning on that page outlines the requirements of the ADA Title II of providing access to programs and services, so on and so forth, that is the text from the ADA okay. Page 27 starts the findings and action steps. The findings, for example, on the top of the page, is Section 4.2.1, Buildings and Facilities. What we found, what are findings were.

Sheryl: Many divisions and prominents did not have an adequate response when as to how they would provide access to the building or facilities where they were located. Non-accessible features typically had a lack of accessible restrooms. Okay so I see this as physical act.

Bruce: But wait, read the action step.

Sheryl: Action step, in order to eliminate the potential occurrences the consultant will meet with division managers and provide training on the requirements of the ADA to provide their services in the most accessible fashion programmatically. An architectural barrier removal program addresses when... Okay so, I get that, now it's another action step. The DLNR has completed a site survey of all its buildings and facilities. I think, okay.

Bruce: I know what you're saying and I know what you're...

Sheryl: Do you know what I'm saying?

Bruce: Yes. You're looking, you're reading a lot about buildings and facilities versus, how do you provide your programs in an accessible fashion that are located in those buildings and facilities.

Sheryl: Right, like if it said that the building is not accessible, for example, we'll just taking building block. Joe Shmoe is building again. Its not accessible, these are the non-accessible features, these are the barriers that have been removed, for example. And then if programs are provided in this building, if it listed ways to make a program accessible in a non-accessible facility, because to me, having training is one thing, but having it specific enough in the self-evaluation, so that people can at least get an idea of how to do it. Does that make sense?

Bruce: Okay yeah, that's correct.

Sheryl: And so, for example, having the program on the first floor instead of on the third floor, where an elevator or any source of getting to the third floor, any non-accessible sources exist. If its non-accessible hold your program on the first floor. You know, that's just a simple way of saying that. So, parking, several instances were noted where accessible parking was not provided on the existing park – oh, I'm sorry – or the existing parking did not provide the required dimensions to meet the minimum design requirements to allow parking for persons with disabilities. Action step. The DLNR has since re-did locations in there transition plan and has identified these areas as a priority in the barrier removal process. Okay, I get that, okay. I think, for the plan to be more effective, it would say what those dimensions are. And the minimum of parking stalls, per one has to be a van stall, so that someone can look in this plan and figure out that they're not just going to do it, but it needs a simplified way of how to do it.

Clyde: Does she have these other pages like ADA 122, 123?

Bruce: Did they give you the Appendix Section, this section.

Sheryl: No, they didn't have that electronically.

Bruce: Okay right, this Appendix Section, you did not get, we weren't able to provide to Betsy, it number one, has maps on them, which she said don't give me maps because I can't do maps, but it also has some text of each location and each site, each state park and every site. It describes, it shows a map of where the site is located on the particular island and a close-up exactly of where it is, and then it talks about post improvements of each site. Perhaps, the text she could've copied and maybe we can get her to copy that, but we didn't have it electronically. It's in the DLNR engineering branch.

Sheryl: Because see for me, there was nothing really in here, that if I didn't have information I needed to use this plan like you guys. There's nothing to put my teeth in.

Clyde: Like we go to Haleiwa Boat Harbor, its says give a general site, description, where its located, North Shore, and what it is, how many parking stalls, you know, boating facility, parking in various locations, or harbor. When it gets to the harbor office, because its on the second floor and its only stairs. It notes its on the second floor, stairs are the only access. The office will be made programmatic accessible, a buzzer will be located at the bottom stairs, and it will be directly connected to the office. The office staff will provide service as they've required at the first floor. Upon request, meetings will be conducted at an accessible meeting room located in an accessible site.

Sheryl: Yeah, that makes sense.

Bruce: So what...

Sheryl: So just to let you guys know, I could only evaluate what I.... so I feel kind of stupid, I don't have, not that I am stupid, but I was just like whoa, you know, they found what I have, there wasn't enough to get my teeth into. Clyde, can we get the Appendix Section provided to us in an electronic format without the maps?

Clyde: We probably can because that's ¾ of the document. You're missing a whole part of it.

Sheryl: Yeah because what I felt like I'm getting is, I got location, I got addresses and phone numbers, I've got resources, and I've got text about the ADA that I already know. And I'm like yeah, and then?

Clyde: I put it on each site, and that's something else that basically everyone has testified. Its nice to have it by sites but they would basically like to have it in a basically simplified brochure that they can find things easier than this massive document.

Sheryl: Right, because to me, I think all this document is great, but I also think, okay if I was going to help you guys, for example, even as a trainer, which, obviously I'm probably. I'm just making conversation, yeah okay, if I was going to assist I would want to be able to pick up that, what you guys are talking about and say okay this is what they have, etc. verse the access. Is there an accessible phone on site you know, etc.

Clyde: And its 178 pages of text that you are missing.

Sheryl: Yeah, so see, not knowing that, I think I've just wasted a whole bunch of your time.

Bruce: No, no, no, I didn't know. I didn't realize that.

Sheryl: And so, I didn't know I was missing anything. So what kind of input have you guys gotten?

Bruce: In Kona I believe, six people

Sheryl: Oh that's pretty good.

Clyde: So basically we had four of them in Kona, zero in Hilo.

Bruce: Nobody showed up in Hilo.

Clyde: Two in Maui.

Bruce: Two people in Maui yup.

Clyde: And three in Kauai and two in Oahu

Bruce: Three in Oahu, one this afternoon which was Charlotte Townsend, tonight, you and Lunsford.

Sheryl: Well and I think one thing to remember too, Clyde so you don't get discouraged, is that, really when it comes to rights for people with disabilities, its fairly new, you know, if you think about driving on a freeway, we're sort of still on the on-ramp, we haven't merged really yet, and we don't know a lot of times, you know, people just don't know, and people in our history haven't really listened and so we don't always feel welcomed to give input and I think that's a reality of the history of people with disabilities, don't you think Bruce?

Bruce: Yeah, I agree.

Sheryl: And so, you know, I mean the ADA, for example, is only twelve years old, and so, we don't, you know, people's experience the history is long before that, you know of discrimination.

Clyde: I thought that the 504 scene.

Sheryl: Well we handled that.

Clyde: That was before the 1990 Act.

Sheryl: Right, but doesn't mean people did anything.

Bruce: Didn't apply to private buildings and facilities.

Clyde: Oh, I was with the government on this.

Sheryl: Yeah, and so, what kind of interest did the people that did show up have?

Bruce: Lunsford, for example, tonight, emphasized that, first he says, its very poor representation here, we don't have enough people, with the number of people with disabilities, nobody shows up for these things. He suggested that instead of spending a lot of money on all the parks, pick out a few parks on each island and make them more accessible, and provide more accessibility so more people can use them.

Sheryl: Pick some major sites and make them ultimate, you know, as ultimate as you can.

Bruce: Now I asked Lunsford, How, do you have a recommendation on a park, and how do you recommend go about picking these parks? And he goes, "Oh, I don't know anything about that because I don't use the parks. So I don't want to put my two sense in."

Sheryl: Well I use the parks so I would say at least pick something that is a high use park. You don't want to pick whatever park over here. Like Ala Moana is a state park right?

Clyde: No, it's a county park.

Sheryl: It's a county okay. It used to be partly a state park.

Clyde: Ala Moana though, Magic Island, that's a...

Sheryl: Right, is Magic Island still...

Clyde: It's probably a county.

Sheryl: Okay, well I mean like, just for example, I can't recall all the ones on O'ahu, but...

Clyde: Most of them are counties.

Sheryl: Okay, what about Haleiwa?

Clyde: Haleiwa is a county park.

Sheryl: Okay, so tell me a state park. Tell me one.

Bruce: and Island.

Clyde: Diamond Head

Bruce: Diamond Head is a state park.

Sheryl: Okay, Diamond Head

Clyde: Is a mountain, crater.

Sheryl: Okay, well I think one of the ways, for example, to make Diamond Head more accessible, is to, you know, national parks does this thing, called Five Levels of Access, and so, what you do is you say, this is level blah, whatever it is, and you can have a video of the climb, or you could have something, where if there's a – I don't even know at Diamond Head if there is a facility people can go into.

Clyde: No, not yet.

Sheryl: But if there is going to be a facility.

Bruce: There are bathrooms.

Clyde: Yes, there is some bathrooms.

Sheryl: I mean like a facility that is like..

Bruce: A interpretive center.

Sheryl: Yeah, right, so if they, you said not yet, what does that mean?

Clyde: In other words, drawing and planning and wasting millions of dollars. Hopefully one day we'll have a \$10 million facility, like Hanauma Bay.

Sheryl: Okay.

Bruce: Have you been down to the new Hanauma Bay?

Sheryl: Yes.

Bruce: What do you think of it? Was it accessible to you?

Sheryl: That's a hard question. I'm an old fart right, I've been around a while, so I'm really used to lack of accessibility and having to figure a lot of things out. So, I'm not a really good gauge of accessibility, in that informational sense. I know when I don't have, I don't always know when I don't have information, but I'd say in some elements of physical access, they did a decent job, but there isn't enough informational access and so, you know, and I think the movies that they hit is a bummer for everybody. They're not talking about, every time you go, if you've seen the movie, if you haven't seen the movie, everybody has to see the movie, in the movie they're talking about safety and stuff like that, and also to me they should be saying things like don't leave your rubbish in the bay and stuff like that. And then they should be telling about the fish and what people want to come and see, either I was asleep during that part of the movie, or it wasn't there, you know. And so, another thing is that I don't know where the physical access, like I said, obviously I'm missing some of the elements of this plan, but I think that it should be in the plan that all Braille signs need to be proofread, that should be in this plan because, just yesterday I was at a state building, and the Braille dots had fallen off the Braille sign, so you didn't know where you were really at, I didn't know what room I was at. And so, that's another thing that I think is really important, that all Braille signs, signage is proofread, because sign companies put out Braille, but they don't put out, they've never had anybody look at it. They don't know.

Bruce: And I have several Braille signs in my office, that Sheryl has come by and told me what is good and what is bad because there is good and bad Braille.

Sheryl: When you started doing projects, you don't know of the end results of the signs, you may know if the Braille is good, you don't know if the Braille is correct. So, I think Lunsford's idea is a good idea, to make a few parks very accessible, or if there is any new facilities, that are going to be started up.

Clyde: By law, all new facilities must be brought up...

Sheryl: Right, but I mean, there is minimum requirements of access, and there are places where you can have a headphone you can have an interpretive center, you can have a headphone jack, you can put an earphone on, there can be real time tests, that people can push the button and see, and then the people who can see, can see the pictures, the people who are listening can blah, blah blah. You know what I'm saying, there are all types of things to do that can make it more and more accessible. Like Diamond Head, like I said, you could say what it is with the Five Levels of Access, you know that's one thing you can do now. So that people know, because a lot of times when I go places, people tell me things like this, well, it can get dark in that tunnel and it is going to be dangerous. So if its going to be dark, and I'm blind, I can't see. Why are they telling me, don't forget your flashlight. And these are people I know, and I'm like, I don't think I'm going to need a flashlight. And so, just tell me what's there, and I'll make the decision.

Clyde: There's narrow windy passages with a lot of people trying to go through the same narrow windy passages.

Sheryl: Yeah, and he said to me, Sheryl, it's a narrow windy passage, and the people stink going up and down, and you know, and they're testing you and they're pushing, I'm saying forget it, I'm not going to go, you know what I mean?

Bruce: I also what to mention that this is not a final document, it's a work in progress, we will provide you with the Appendix Section, I'll get it to, we'll get it to Betsy hopefully tomorrow, and she

can start working on translating it and getting you a copy as soon as next week hopefully. And you take your time, any comments you have, you can email us, or write us, or call us for a meeting, to discuss it, sure.

Sheryl: Did you have any other, from other people, did you have this?

Clyde: Basically, some of the same were going overboard, like you just came, some were full out saying we weren't doing enough, whether we try to incorporate new construction.

Sheryl: You don't have to incorporate new construction in your self-evaluation. Your self-evaluation is for existing facilities and duh. Those are people who obviously don't know the law well enough to...

Bruce: On Kauai, Kuulei...

Sheryl: (Sighs)

Bruce: Oh, you know her?

Sheryl: Yeah

Bruce: She had a lot to say, in fact, I had to shut her up, and she's going to provide us the rest of her comments through email, but she talked for a good two hours, and had a lot of comments to say, and good comments, and she can go on forever, and she had a lot of good, interesting things to say, but she's going to provide us those additional comments.

Sheryl: Can you give me an example of something that she said, that you thought was interesting?

Bruce: Well, what was that park that she said with the waterfall in the bathrooms and you got to put in two accessible stalls, but you should really have six, because she has seen many people up there with black cards.

Clyde: They should haveUnintelligible The pavilion and the meadows were they have rental cabins and a museum. They have a pavilion where the community has get-togethers and to make it ADA accessible, they'd like to reduce the amount of facilities provided and the bathrooms. And she said that we were going in the wrong direction, and I thoughtfully agreed we have the same thing in Ka'ena and we are reducing two to one on each sex and Diamond Head were are reducing one toilet for each sex. And its kind of like, aren't you going backwards. Aren't you suppose to be providing more?

Sheryl: I understand what she's saying, but if this is the building, and you only have this space to work in, then you have one accessible stall. If it's a new building, that is this big, then to me, in my mind, make them all accessible, because everybody, I mean I think that there always should be more accessible stalls then there is, in new construction, and I think the accessible stalls benefit a lot of people, people with wheelchairs, people with walkers, people with kids, that just want the kids in the same area with them. And so, but if you only have this big of existing building, then you can't do anything more unless you extend the building. ADA does not require the existing building to be blown

up, and has to become bigger, and so I can't disagree with her, but in reality, the reality isn't going to happen that way, you know.

Bruce: She was, her concerns were for the general population and she readily admits herself, I don't go to these parks, but you should make them more accessible for the general population.

Sheryl: And I think even accessible picnic tables, all picnic tables, not just one should be accessible, and I'll tell you about parking, I think that, at Pokai Bay, for example, I'm on the Access Board for Parks and Rec. This is Pokai Bay's parking lot okay, you guys figured that out probably, and so, they want to put all the accessible stalls over here, but what about the people that are getting out of their car at the other end. Why can't you put a minimum of two stalls together, because you have the access isle stalls stop, and over here you put two, and maybe over here, then over, whatever, so at least you have the minimum number, so that people with disabilities can get out on different parts of the parking lot, go do their thing on an accessible route, and they're not, to me, in some ways, we are creating the institutional way, by having it all together, it brings more notice to it.

Clyde: Well if you go through this plan, you'll find out we scattered.

Sheryl: Yeah, and that's good, and a lot of places, like city and county, they keep telling me, well you know it doesn't matter.

Bruce: Can I ask you a question? Just want to understand it. When we email something to Betsy, how is she interpretive to turn it in to Braille? How does she do it?

Sheryl: She has a Braille display on her computer.

Bruce: Oh really?

Sheryl: Yeah, so then she goes through, she looks at the document, and then she, I'm not a transcriber, so I'm just telling you what I think happens, well I'm telling you what I know happens, then she formats it into, so, like, for example, in Braille you only have like thirty-two characters per line, in print I think its sixty-four characters across one line, so one line of print is usually two lines of Braille, but so then, she takes out extra spaces, or she puts in the lines for like the page, the print page numbers, and she puts in, then she codes it, so she'd like, if there is acronyms that haven't been, that haven't worked in the transcription program, she can see all that on the Braille display and then

Bruce: So if she had a document, a piece of paper with text on it and a small map, does she just ignore the map or does that totally confuse everything? Because that's what this Appendix Section has, that has maps in the middle of the page, and text at the top and bottom.

Sheryl: I don't care about the map.

Bruce: No, would she be able to just identify the maps and ignore it, or would the maps come across as anything?

Sheryl: I don't know that answer.

Bruce: Because she just told me, if its got a map on it, I don't want it.

Sheryl: I think what she meant is, I don't want the map, I don't think she meant, I don't want the text. But you know again, maybe she didn't realize that there was text on the same page, you know, so, like you said, it wasn't in an electronic format anyway. So it wasn't even an option because it wasn't there.

Bruce: But we need to get it there and hopefully without the maps, but just the text, that would be good.

Sheryl: So have I been any help or am I wasting your time?

Clyde: At least you're talking to the person whose been doing this thing for a long time, for the state's side of DLNR. I've been doing this for twenty-nine years and nine months. So, if I didn't wrong, you have the right person to gripe to.

Sheryl: Twenty-nine years and nine months, okay! And so, anyway, that's my

Bruce: Okay, we'll get you this section in Braille, the Appendix Section, we will take your input, in email or if you want to have a meeting, we'll incorporate all your comments into the pre-final version, we will provide you with a copy of your comments as well as everybody else's comments in Braille on all the other islands, Coulee's and whatever, I'll make sure you get a copy of that as well.

Sheryl: And don't you think its interesting that people, that came and gave input don't use the parks?

Bruce: Very.

Sheryl: And did you guys ask them why? I'm curious.

Bruce: No, they just simply said, like Lunsford said, I'm not a park's person, I'm a Kapi'olani Boulevard guy, I don't go to parks, and you know.

Sheryl: Well I think just for input, I think there are a couple of reasons that, you know, accessible housing, accessible transportation, and accessible employment, are like three major priorities for people with disabilities. Recreational activities can often kind of go down the list because these other things that maybe aren't as accessible as they should be take up so much time that by the time you get to thinking about going to the park, its like junk, you know, and I think a lot of families in Hawaii incorporate whatever they need to do, to make it accessible if they go camping, you know, I think that people are very used to. I'm not saying it shouldn't be more accessible, but I'm saying that that's what I think would happen.

Bruce: Yeah, we're not there yet.

Clyde: What kind of format do you think that is electronic?

Sheryl: Not a PDF file.

Kathryn: No, just in Word, whatever you work with.

Clyde: I get bogged down tomorrow, we're bogged down trying to get the barrier site Unintelligible

Bruce: They might be able to, if it is in Word, they might be able to just print it and just delete the maps, but I don't know how they did that.

Clyde: Anyhow, if that's what you need, I'll try to get that tomorrow.

Sheryl: Okay we're going now because it is six-thirty and we got to go because you guys are taking up...

Bruce: Thank you Sheryl for coming, we appreciate your input.

Sheryl: And so Lunsford, is he walking home?

Bruce: No, we have a car do you need a ride?

Sheryl: Sure

Bruce: Okay. Kathryn, do you have time? She's right up at Punchbowl.

Sheryl: Yeah, I'm right up the hill.

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